G R S 58]

Previous references
L B 124 23-1
mul 132-16-1
93-23-4
mwz 148-17 (notes)
Later references
LDD 174-28 & 1225

192 (Municpl)

File No 145-24
Serial Nos. 1

Preserve

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for January 1925

SUBJECT

Further improvements in Municipal Administrat

To
The Municpl Comr City Municpl Council, Bangalore
thro' the President City Municpl Council, Bangalore
- President City Municpl Council, Mysore
- Dy Commrs of Districts
- Comptroller to Govt
- D G of Education in Mysore
- Excise Comm'r in Mysore
- Sanitary Comm'r in Mysore
- Special Officer Local Self Government
- Gazette
- Press Table

No L 4527-41 / mul 145-24-1 dy 23rd Decbr 1924
Passed orders on the resolutions of the L S G Conference of April 1923 relating to

B170

MR 26/1

Proceedings at the meeting of the Standing Committ of Local Self-Government held on the 19th July 1924

MEMBERS PRESENT

1 Mushir-ul-mulk Mir Humza Hussein, Esq , B A , B L , (Chairman)

2. B Narasinga Rao, Esq ,

3 N. S. Nanjundian, Esq ,

4 B. Abdur Rahimon, Esq ,

5 K Krishnamoorty Rao, Esq ,

6. J R Isaac, Esq ,

7. Mir Mohamad Sab, Esq

Mr. B. T Kesavaiengar, Special Officer, Local Self-Government, was also present to assist the Committee's deliberations

---

PART I. DRAFT ORDER ON VILLAGE PANCHAYETS AND LOCAL BOARDS

The draft order relating to Village Panchayets and Local Boards, copies of which had been previously circulated to the Members of the Committee was taken up first for consideration The order was gone through para by para and the following is a brief summary of the discussion.

Para 6 of the draft Government Order

VILLAGE PANCHAYETS - (1) Constitution - Mr. Karnick Krishnamoorty Rao observed that it would be better to extend the Panchayet Scheme gradually instead of introducing the -- scheme throughout the State at once and suggested that the - constitution of Panchayets may proceed upon a population - - basis

The other members did not agree to this view and were in favour of allowing the view set out in the draft order to stand as it is Mr. Krishnamoorty Rao did not press for a division

Para 8 of draft Government Order

(2) Taxation - Mr Karnick Krishnamoorty Rao pointed out that the idea of making taxation optional in some cases and obligatory in others as indicated in the order would be felt as an invidious distinction, and therefore suggested that taxation should be either optional or compulsory throughout After some discussion, it was pointed out by the Chairman that it would be inexpedient to make taxation optional where it is already in existence but that provision would however be made for abolition of taxes with the sanction of the Government whenever it was felt as a hardship This view was accepted by the Members of the Committee and the draft order allowed to stand as it is

Para 6 of draft Government Order

(3) Election of Elders/Yejmans to Village Panchayets - The Committee left the matter of arranging the details for such elections to the consideration of the Government

Para 9 of draft Government Order

(4) Panchayet Revenue - The Committee observed that village Amaz ayi and Fisheries income should be included as items of Panchayet reverue They also suggested that sale proceeds of vacant sites in villages should be credited to the Panchayets

A general clause was proposed to be added as follows -

"Any other tax which the Panchayet may levy with the sanction of Government "

The Committee were in favour of retaining to the Panchayets the power of granting exemptions from taxation as stated in para

Para 10 of draft Government Order

Budgets of Panchayets - There was some discussion as to who should pass the budget of the Panchayets and whether it

is necessary that it should go through the Taluk Board at all

Mr Karnick Krishnamoorty Rao suggested that the budget should go through the Taluk Board and be passed by the Deputy Commissioner Mr Narasinga Rao was in favour of the Amildar passing the Budget The position was carefully examined in -- view of the fact that the Panchayet budget would include items beyond the scope of the functions of the Taluk Board and it was finally agreed that Panchayet budgets should be passed by the - Sub Division Officer who should send copies of the same to the Taluk Board concerned for information

Collection of arrears - The Committee unanimously proposed that arrears of Panchayet taxes and cesses should be recovered as arrears of Land Revenue through the Amildar They suggested for adoption measures similar to Section 47 of the -- Travancore PanchayetRegulation

TALUK BOARDS

The Standing Committee generally agreed that the Taluk Boards are unnecessary but they felt that it was difficult to abolish them after they had been in existence so long, especially having regard to popular sertiment

Para 12 of draft Government Order

Presidert - Should the President of a Taluk Board be elected and if so by whom?

Mr Karnick Krishnamoorty Rao pointed out that suitable men were not available always for election as Presidents of -- Taluk Boards but urged that if the election principle is generally agreed upon, then the President should be elected by the general body of voters in the Taluk

The position was carefully considered by the Committee and they were of opinion that the Taluk Boards should not as a rule have elected Presidents but that Government should extend

tre principle of election wherever competent men were availat

Pars 15 of draft Government Order.

Control.- Delegation of powers under Sections 32 to -- 34 to Sub Division Officers.

Mr. Ranjundish pointed out that these powers were of a far reaching character and should not be delegated to the Revenue Officers whose interference would kill local initiative and enthusiasm.

It was accordingly agreed that this portion should be -- deleted from the draft

DISTRICT BOARDS

Para 16 of draft Government Order

Constitution - Mr Yarnick Krishnamoorty Rao pointed - out that the membership on District Boards was too unwieldy and that in order to reduce the number of members, either the Taluk-wise representation on the District Board should be reduced or -- class or association representation should be reduced when such representation is secured either through Taluk group elections or (by nomination)!

Tre Committee were not in favour of this suggestion and it fell through accordingly

Para 21 of draft Government Order.

Taxation - The Committee were of opinion that it was -- not desirable to tax "Arms" as it would not be a profitable - - source of revenue and it was accordingly decided to omit the -- item

'Hides' - Tax is to be levied on hides or hide- stores -- just as the District Board may make rules therefor

Para 22 of draft Government Order

Control.- Mr. Nanjundiah observed that the powers conferred on the Deputy Commissioners in the Regulation were wide enough and that the additional powers indicated in the draft -- id order would give room for needless interference by the Local - of Officer with the result that it would not encourage the right -- sort of men to come forward to accept Presidentship or Vice-Pre- lat. sidentship of any Local Body

There was a full discussion on the subject The Committee agreed that the additional powers may be included as it would secure criticism of the office administration of a Local Board Office and help to remedy irregularities in office administration

General - The members desired that there should be a provision in the Regulation for interpellations and that provision should be made in the elections rules for appeals being -- preferred in election disputes on the decisions of the present final deciding authorities

---

PART II DRAFT ORDER RELATING TO MUNICIPALITIES

The draft order was gone through carefully and the Committee had not many changes to propose in the order. The -- following are the portions which elicited comment and the Committee's decision is noted regarding these -

Para 5 of draft Government Order

Chairmen of Municipalities - The principle that the -- President of a City or Town Municipal Council should be elected was accepted It was also agreed that the term of a President so elected should be ~~continuous~~ coterminous with that of the Council itself, other conditions being satisfied Further the President should be elected by the general body of voters in a Municipality and - not by the Municipal Councillors Again, it is not necessary -

that the President should be elected from among the Municipal -- Councillors only.

It was accordingly proposed that the draft order should be suitably modified to embody these changes In the case of Minor Municipal Councils whose continuance was agreed to, it -- was pointed out that the President should ordinarily be nominated and the Vice-President elected from among the Councillors

Para 10 of the draft Government Order

Taxation - Tax on "arms" was required to be deleted --- from the draft order.

It was unanimously suggested that shop-tax should be - - levied in lieu of Profession Tax and not in addition to it and - this should be specified in including shop-tax under the items of Municipal Taxes

Para 11 of the draft Governmert Order

Resolutions of the Conference.- Resolution No. XXIV ~~and~~ regarding transfers of Municipal employees who have put in 3 to 5 years service in any one place -

This question elicited some discussion and Mr. Krishnamoorty Pao urged that such men should be provided for in the --- several Branches of Government service, substitutes being sent - when such transfers are made

It was pointed out that the question would raise several difficulties chiefly relating to the powers of patronage exer- - cised by the local bodies concerned If the Deputy Commissioner is invested with powers of transfer, his interference is likely to be resented and it is not likely that a spirit of co-operation would prevail among several Local Bodies in the same District in such matters.

The Committee left the matter in the hands of Government to frame such rules as would secure the benefit contemplated in the resolution of the Conference

Octroi - Mr. Krishnamoorty Rao proposed the farming out of Octroi, but this was not accepted by the other members of the Committee The proposal was dropped.

Para 7 of the draft Government Order

General The Chairman and the Committee suggested that the para relating to discussion of Local Subjects of a general - nature be deleted from the order as suitable provision had been made in the recent orders of Government.

The Committee suggest provision being made in the Regulation for interpellations by Members

Mr. Krishnamoorty Rao observed that in regard to elections the term "Irregularities" should be defined and that any irregularity in the conduct of elections should be sufficient to vitiate the election. The other members did not agree to this They -- thought that material irregularities alone should be regarded as - vitiating elections

The Committee were in favour of Mr Krishnamoorty Rao's - - suggestion that an appeal should lie against the decision of the - District Judge in election disputes

SPECIAL OFFICER,
LOCAL SELF-GOVERNMENT

22 7 24

E.W.M/5

General and Revenue Secretariat

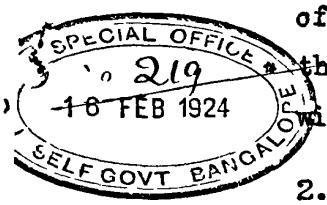
Mil File No 145 of 1924

Serial No	
1	No 145-27-41 of 23/12/24 To the municipal commr, Bangalore city, Bellary municipality, Dcs of Districts, Comptr to Govt & of Education, Excise commr, Sanitary commr special officer Legislative Passed orders in the matter

B 1911

NOTE—Contn

N O T E.



On the 8th instant, I had put up a note on the Resolutions of the Local Self-Government Conference vitally relevant to the introduction of constitutional developments. This note with several draft orders is now before Council.

2. With reference to the draft order put up on Resolution No. XLVII of the Local Self-Government Conference (Election by the whole body of voters of the non-official Presidents of local bodies) the First Member has recorded his dissent. I therefore request that the following note may be kindly placed in the file and brought to the notice of the Council when the subject is taken up for disposal.

652b/1912 ?

3. So far as I have examined the subject, this mode of electing the President of by plebiscite prevails only in the United States of America and nowhere else, and Viscount Bryce has recorded the following criticism of city municipal administration in the United States (Vide pages 642 and 654-5 of Vol. I of the " American Commonwealth " published in 1919)

" There is no denying that the Government of cities is the one conspicuous failure of the United States. x x x The question of city Government is that which chiefly occupies pratical publicists in America, because they have ~~longed it~~ deemed it the weakest point of the country. That adaptability of the institutions to the people and their conditions, which judicious strangers have been wont to admire in the United States, and that consequent satisfaction of the people with their institutions, which contrasts so agreebly with discontent of European nations, is wholly absent as regards municipal administration. Wherever there is a large city there are loud complaints, and Americans who deem themselves in other respects a model for the Old World are in -

this respect anxious to study Old World models, those particularly which the cities of Great Britain present. The best proof of dissatisfaction is to be found in the frequent changes of system and method. What Dante said of his own city may be said of the cities of America: they are like the sick man who finds no rest upon his bed, but seeks to ease his pain by turning from side to side. Every now and then, the patient finds some relief in a drastic remedy, such as the enactment of a new charter and the expulsion at an election of a gang of knaves. Presently, however, the weak points of the charter are discovered, the State legislature again begins to interfere by special acts, or a " public service corporation " begins to seduce the virtue of officials. civic zeal grows old and allows bad men to creep back into the chief posts. Federal issues are allowed to supersede at municipal elections that which ought to be always deemed the real issue, the character and capacity of the candidates for office All this is discouraging. Yet no one who studies the municipal history of the last decades will doubt that things are better than they were twenty five years ago. The newer frames of Government are an improvement upon the older. Rogues are less audacious. Good citizens are more active. Party spirit is still permitted to dominate and pervert municipal politics, yet the mischief it does is more clearly discerned and the number of those who resist it daily increases. In the increase of that number and the growth of a stronger sense of civic duty rather than in any changes of mechanism, lies the ultimate hope for the reform of city Governments."

Chief Secretary,
with compliments

G R S III 2,

General and Revenue Secretariat

File No. 27/4 of 19

Serial No

The council has approved of the election of persons elected by the voters on select Rolls and provision has been made in the draft Bill for amending the Rules. In the draft order on Rolls, this point has been made clear.

No further action appears necessary on this note which, if approved, will be sent to the Govt. Pol. for being filed along with the main file on the exemption from H.H.

6775 11/12

AS 11/12/24 (Members)

For perusal

27/1

27/1

29

B

NOTE—Contn sheet

Office of the Special Officer, Local Self Government,

PUBLIC OFFICES,

Dated Bangalore 1st March 1924.

SPECIAL OFFICE No 311 1 MAR 1924 LOCAL SELF GOVT BANGALORE

Progress report for the week ending 1st March 1924.

A. Work done

(1) First note on Municipal Councils (constitution etc.) put up.

(2) Provisional revision of certain portions of the Municipal and Local Fund Manuals.

(3) Partial working up of the following special files.--

(a) File regarding the revision of mohatarfa taxation

(b) File regarding separate Engineering establishment for District Boards

B. Work requiring to be done.

(4) Second note on Municipal Councils (municipal taxation and finance)

(5) Passing of the Municipal Manual in committee.

(6) Passing of the Local Fund Manual in committee

(7) The dispoal of a few miscellaneous special files.

1/3/24

First Member & DEWAN.

SPECIAL OFFICE No 334 4 MAR 1924 LOCAL SELF GOVT BANGALORE

4/3/24

2/3

Second note on Municipal Councils (Municipal finance and a few miscellaneous questions.)

315
8 MAR 1924
SELF GOVT. BANGALORE

ABSTRACT TABLE OF CONTENTS.

(1) Sources of municipal taxation and revenue.

(2) Review of the municipal systems of taxation.

(3) Budget Rules.

(4) Other financial rules.

(5) Establishments.

(6) Public Works etc.

(7) Resolutions of the Local Self-Government Conference of 1923.

(8) Budgets of a few Municipal Councils.

(9) Existing defects and proposed remedies.

(10) Miscellaneous.

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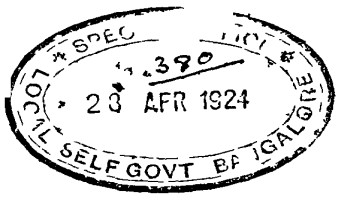
342
MAR 1924
GOVT PRESS

D O No

Office of the Special Officer, Local Self Government,
PUBLIC OFFICES,
Dated Bangalore 26 Apl 1924



A 131/575

I Submit herewith a despatch on the rules and the changes proposed to be effected in the constitution, functions, powers, Taxation &c. Such of the objections of the Corpn as have a bearing on the above topics have been included in the despatch. The despatch contains many controversial questions on which views are invited. The most important are the following.

I abolition of Honorary Members. The Corpn suggested their conversion into Councillors I have advocated their continuance

II Elected Element in Municipal Ch has been raised to half the total strength This may be conceded.

III Educational expert to be an Ex officio member of the Board. This is necessary

IV Franchise & Women. Accepted.

V Presidentship. The President of the Town and Council should be ordinarily elected. No need for a veto This is a policy which has been adopted in the case of Taluk Boards

VI Election of Presidents. Should be by the general body of voters

Such elections may not be justified under present circumstances

VII The term of President of Town Council should be 3 years or Corporations not that of the Council itself

VIII Chief Exec officer to be appointed if Govt consider there is gross mismanagement in a municipality

IX. Provision should be made in the Act for discussion and decision by Local Councils of Local Subjects.

X Shop tax should also be included in the class of taxation under Sec 67 and made leviable at the option of in addition to property taxes. This subject is likely to give some trouble. The chief thing to note here is how to work this arrangement if shop tax is levied and property tax waived, then a great many who should ordinarily pay taxes will escape taxation altogether. Lawyers Govt Servants & other professional men will escape local taxation. This is not fair nor does it improve municipal finances. Some arrangement has to be made to tax these learned professions and other classes of tradesmen I submit orders on this point

XI Education cess should be levied in all municipal areas. The amount that we are likely to get will not be much - but still the levy is desirable if Edn is to be a primary function of the

2

to be amended

Municipal Councils Act

Municipal Councils should be elected for three years - but must vacate seat if absent from meetings for six months. In Municipal Councils where Presidents have been appointed for one year, there is hardly any friction between the President & the Municipal Council

The person appointed is [illegible]

Persons may be made liable for taxation if they have a house in which they live & a man may be liable to pay taxes in the Municipality where he has his business although he may live outside the Municipality

XII

3

Contributions payable, Gratuitous medical charges and Education charges have to be fixed on a definite principle at present scheme income at present the charges somewhat arbitrary. 7% of total income for Edn, and 8% for med charges would be a satisfactory basis. Some-what this have escaped the liability to pay Contributions either for med charges or Edn. charges I am collecting information on this point

I solicit orders as to the lines on which I might amend or improve the draft scheme

M Krishnan
Spl. Officer

20-4-24

The Secretary Glory Statutes on Income & Excess Profits Tax duty requires further consideration. It is not clear how the taxation on income which is to be capitalised - whether on import or export or mere sale. Similar is the case

Hds. - not on imports or exports but on sales -

Hds - Mere possession - Wide Glory

VII Jagat Singh - whether taxation is to be based on the same principle as on dogs or as on other cattle Annual Health & Slaughter these points require consideration also

Mr Kirkpatrick

(9 members)

IX

Dhup is appointed & may be substituted when desired

X

Kh
14/5

Before submitting the file & draft, I should like to call attention to the action of the members the fact that there does not appear to be any need to provide for an amendment of the Regn relating to disposal of Animals subject of municipal limits Rule 10 dated 13th March 25 lays down certain instructions regarding disposal of animal subject of local bodies In this order it is seen that the Dist Magte is given the power to submit instructions on matters not falling within the purview of the duties of Municipal & Local bodies Any provision to be made in the rule Regn would be in contravention with the order The para in page 8 note three perhaps to be deleted - The Dist Magte may add it if omitted.

Flag "R" and Q

Towards Khan Bahadur
2 Municipal members - Rana Bhawani Pershad & Lala Murlidhar Municipal Commissioners, 2 non official members
Municipal Committee are unofficial members

A provision may be made
MK 15.5.24 in the Municipal Regulation
Similar to Section 12 Cl
b) & Municipal Regulation

(1st member)

380/15/ C461

J R 3 III 2]

General and Revenue Secretariat | File No | of 19

Serial No

Submitted to Dewan for perusal

MC 17-5-24

The subordinate may be
Circulated the Tahsils of
Ofthe Genl Cypress
Maybe despd by the
Circulars
orthe may be Circled
Up above Early y y
E-19-5

Submitted to Hon'ble Member of Council
Subd for perusal.

9816/21-5-24

(Mr Menon) 20/5/24 Mr Ranga Iyer Spl Offr

21/5

Forwarded with compliments to the Chief Secretary to Govt for favour of circulation as per Dewan minute Supra

Mr Ranga Iyer Spl Offr

Circulate 22/5/24

Necessary. 24/5

Ch 26/5/24 I generally agree to the proposed amendments in the draft rules

26/5/24

NOTE—Contn. sheet

(For Disposal by Circulation)

No C 461
of 1923-4.

GENERAL AND REVENUE SECRETARIAT

Council Matter

SUBJECT

Draft Government Order re the improvement of Municipal Administation in the State.

CIRCULATED TO THE MEMBERS OF COUNCIL

By Order,

26th May 19 24. *Chief Secretary to Government*

Extraordinary Member of Council

First Member of Council

616/27 **Second Member of Council** 28/5

Third Member of Council

G R S III 2]

General and Revenue Secretariat | File No | of 19

Serial No

DEWAN'S OFFICE,
RECD on 10 JUN 1924
Regd No 8954

10002
28/5

Minute/Final note by
28/5—

All Members

Final Note signed by the Members is placed below

4/6

S N Sebastian

6/6

Secy

4/6

NOTE —Contn sheet

Final Note by the First Member of Council

Subject —

Draft Government Order on the Resolutions of the Local Self Government Conference of 1923 re Municipalities.

The Local Self Government Conference 1923 passed 12 Resolutions relating to Municipalities, which have been under the consideration of Government for some time past.

D Under my instructions a draft Government Order dealing with the several resolutions has been prepared by the Special Officer, Local Self Government, and it has been further scrutinized by me. The draft, which is self explanatory, disposes of all such resolutions as have a general bearing on questions of policy and finance, and also indicates the action taken or proposed to be taken in respect of the other resolutions.

Page 5 of office Notes The Draft Government Order has been generally agreed to by the Dewan and the Second Member of Council, and may be graciously approved

Bangalore,
7th June 1924.

Mir Humza Hussain
MEMBER OF COUNCIL.

Submitted to His Highness

I submit herewith a Final Note by the FIRST *Member of Council on the subject of* draft Government Order on the Resolutions of the Local Self Government Conference of 1923 re Municipalities,

for His Highness' gracious approval

Dewan

11 JUL. 1924

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject

Draft order dealing with the resolutions of the Local Self Government Conference relating to Municipalities

96

Order.

~~KRW~~

25/6/24

Secy. to H H

26 JUN 1924

C461

General and Revenue Secretariat

Draft Government order re the improvement of Municipal administration in the State

(*)
31 All urgent or confidential files returned with His Highness orders may in the absence of instructions or indications to the contrary be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33 The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members

34 In all other cases the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders

Circulated to the Members of Council for perusal of *

His Highness orders before / after issue of orders (*Vide* Rules 31 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure)

Chief Secretary to Govt

Through the Secretary to Government Land and Revenue Department

10730
28 6 24

FIRST MEMBER OF COUNCIL

4/7

106
4 7

SECOND MEMBER OF COUNCIL

8/7

THIRD MEMBER OF COUNCIL

L L Secy, w/a Comptr

9/7

Note—Contn sheet

Mono WD 1190—GPB—500 9 1 3

P S III 21

General and Revenue Secretariat | File No | of 19

Serial No

GENERAL & REVENUE SECRETARIAT. 2963 10 JUL 1924 LOCAL SELF GOVT BRANCH

In reply to Mr D H Chandrasekharaiya's interpellation it was stated at the Legislative Council on 25 6 24 that the Standing Committee for Local Self-Govt would be consulted before final orders are passed on the notes of the Special Officer Orders are solicited as to whether it is not necessary to place the file on the file before the Committee before its issue

HK
-6 7 24 Land Revenue)

1st member)

Leol 10/7

This may be placed at the next meeting - copy of the Govt - When members began leave

Date of the meeting Saturday 19th. 8 PM

Chief 12/7

8 12 7

Plan prepare copies of the draft at once & submit

25 1/7

This may also be sent to the Special Officer for information at his early convenience

Issued & forwarded to the Special Officer

15/7

15/7/24

NOTE—Contn sheet

C 68 J 1924-5

Draft order as
~~revised~~ revised
in 25 J copies
regarding municipalities

opening of

note

take further
revised as
instructed

24/9/24

To Special Officer L S G

by
S.G. 29/9/24

A revised draft order on subject is
herewith submitted

Manager
of Press

16/9/24

1st Member
&
Dewan

Draft ~~Original~~ revised. ~~Copy~~ Manager concurred with
Chief Secretary's comments

Chief

17/9

Chief
17/9

Please
withdraw
my earlier
proposal

17/9

17/9

C 68

Extract from the Proceedings of the 709th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 18th & 19th *September 1924*

57. Subject. - Clause xii of the schedule,

Draft order on the resolutions of the Local Self Government Conference re. Municipalities.

OPINION OF THE COUNCIL.

The general principles of a bill to effect amendments to the Municipal Regulation as indicated in the draft order read in Council may be placed before the Representative Assembly.

(Sd) A R Bauerji.
Dewan & Member

Submitted to First Member for final note

"EXTRACT

Chief Secretary to Government

WD 1471—GPB—2 000—1-3 21

Notes of discussion and instructions in COUNCIL.

4th September 1924.

(1) Para 5 of the Draft Order.

This should be made clearer so as to enable even a local school authority to be a member.

(2) Para 6 of the Draft Order.

The references relating to elections by the general body of voters in other countries, say, America, to be put up.

(3) Para 8 of the Draft Order relating to disposal of local subjects.

Omit as there is no need for such a provision in the Regulation. The recent orders of Government in the matter dispose of the subject.

(4) Para 11 of the Draft Order.

A note on levy of octroi and shop tax in the State should be prepared and submitted. The para relating to shop tax should be re-cast and re-drafted.

The question of apportionment of tolls is an important matter and involves consideration of State interests also in so far as State roads are concerned. The paragraph requires alteration and revision.

(5) Para 12 of the Draft Order.

Resolution No. XI regarding procedure for acquisition of lands for villages to be omitted as this does not relate to Municipalities.

Notes of discussion and instructions in COUNCIL.

19th September 1924.

(1) Para 4 of the Draft Order

(a) Reference to the Standing Committee in the Draft Order should be omitted.

(b) It is not desirable to extend the principle of election by the plebiscite to all the Municipalities in the State at once abbrogating existing provisions of law.

(c) In addition to the existing provision in the Regulation which is elastic enough to suit all cases provision may be made for election of Presidents by the general body of voters in places to be approved by the Government and in accordance with rules to be framed.

(d) There is no need to do away with the existing provision of law as regards - appointment or election of Vice Presidents No change is called for.

(e) Draft requires revision on the above lines.

(2) Para 5 of the Draft Order.

(a) No need to discuss elaborately the - question of levy of shop tax. Provision may be made in the Regulation for the levy of the said tax by including tax on shops under Section 59.

(b) Reference to goats and pigs should be omitted.

(3) Para 6 of the Draft Order.

Portion relating to appointment of Chief Officer requires to be omitted as the existing provisions of law meet all cases of the kind.

(4) Para 7 of the Draft Order

File regarding levy of taxes on Government Buildings to be submitted to First Member.

Final Note by the First Member of Council

Subject —
Draft Order on the resolutions of the Local Self-Government Conference regarding Municipalities.

A draft Government Order on the Resolutions of the Local Self Government Conference of 1923 regarding Municipalities was approved by His Highness on the 25th June 1924.

2. In reply to an interpellation at the Legislative Council on 23rd June 1924 Government stated that the Standing Committee for Local Self Government would be consulted before final orders were passed on the recommendations of the Conference. The draft Order was accordingly placed before the Standing Committee on the 19th July 1924.

3. The recommendations of the Standing Committee were considered by the Council on the 4th September 1924 and the Special Officer was asked to revise the draft in accordance with the instructions issued by the Council. A revised draft order was accordingly prepared by the Special Officer and was considered on the 19th September 1924, when the Council resolved that the general principles of the Bill necessary to effect amendments to the Municipal Regulation, as indicated in the draft order read in Council with the modifications suggested by the Council may be placed before the Representative Assembly

4 The main changes proposed to be introduced are as follows -

(a) The increase of the elected element in Minor Municipal Councils to one half of the total strength.

(b) Making provision in the Regulation for facilitating election of Presidents and Vice-Presidents by the general body of voters instead of by the Municipal Councils in select Municipalities subject to such rules as may be framed by Government.

(c) The empowering of Deputy Commissioners to inspect the Offices of Town and Minor Municipal Councils and to call for records of such offices with a view to report for the orders of Government any irregularities that may come to their notice.

(d) Making provision for the appointment of one or more Inspectors for each District to assist the Municipal authorities in discharging their duties efficiently.

(e) Making provision for the levy of shop tax in lieu of profession tax by Municipal Councils.

5. These changes require an amendment of the Municipal Regulation and a copy of the Memorandum to be placed before the Representative Assembly is submitted for gracious perusal. The draft order will be further revised and submitted for gracious approval after considering the views of the Representative Assembly.

6. The Resolution of the Council that the general principles of th Bill may be placed before the Representative Assembly may be graciously approved.

Mysore,
3rd October 1924

MEMBER OF COUNCIL.

Submitted to His Highness

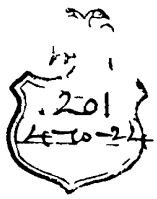
I submit herewith a Final Note by the First Member of Council on the subject of Draft Order on the resolutions of the Local Self-Government Conference regarding Municipalities, *for His Highness' gracious approval*

Dewan

4 OCT 1924

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject



Draft Order on the resolutions of the Local Self Government Conference regarding Municipalities

273

Order.

KRW
18/10/24

Secy LL-G

18/10

C 68

General and Revenue Secretariat

Draft order on the Resolutions of the Local Self Govt Conference re Municipalities

(*)

31 All urgent or confidential files returned with His Highness orders may in the absence of instructions or indications to the contrary be ordinarily circulated to the Members of Council for perusal after the issue of orders

33 The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members

34 In all other cases the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders

Circulated to the Members of Council for perusal of * His Highness orders ~~before~~ / ~~after~~ issue of orders (*Vide* Rules 31 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure)

Chief Secretary to Govt

Through the Secretary to Government L and L Department.

5202/24 × 24

FIRST MEMBER OF COUNCIL 25/10

409/25 10

SECOND MEMBER OF COUNCIL 25/10

THIRD MEMBER OF COUNCIL

Secy. L and L., with Comps

NOTE—Contn sheet

Mono WD 1190—GPB—500 9 1 3

Please put up Draft Summary 31/10

Special Officer 1 10/10

28/10 31/10

G R S III 2]

General and Revenue Secretariat | File No | of 19

Serial No

Flag "A"

Flag "B"

The draft order on the petition regarding objects has been revised in the light of the discussions in the C a and submitted for approval.

M Nisar Ahd Spl Secy

3032 / 11/XI/24 — 1st member) Dewan)

5/11/24

Approved the pencil corrections

Hafiz 12/11 MN 13/11

Retd after necessary correction vide para 6 of the draft

MN 13/11

3004 / 13/11 — 1st member)

Hafiz 15/11

S

Draft put up revised & retd

MN 17/11

3992 / 17 11 24 — 1st member)

Has the amended Appeal - Memorandum been submitted by Mr Mukerji for approval and signature of Hon'ble Minister.

GOVERNOR'S OFFICE. Dated 19 NOV 1924 Reg No 3624

Dewan)

Hafiz 15/11

The petitioner may be informed as per copy of the draft order submitted

5004 / 19/12

NOTE—Contn sheet

Hafiz 17.11 Dewan 20/11

1st Minister 15.12 Governor 28

2nd note on Municipalities

(1) Sources of municipal taxation and revenue.

The scope of municipal taxation is indicated in Section 59 of the Municipal Regulation and may be briefly described as -- follows -

(a) A tax on buildings or lands or both at rates not exceeding certain maximum limits.

(b) A tax on vehicles, boats or animals used for riding - draught or burden- kept for use within the municipal area at rates not exceeding the fixed maximum limit

(c) A toll on vehicles and animals used as aforesaid entering the municipality but not liable to taxation under clause (b) at certain rates

(d) An octroi on animals or goods or both, brought within the octroi limits for consumption or use therein

(e) A tax on dogs not exceeding a certain limit

(f) A special sanitary cess

(g) A general sanitary cess

(h) A water-rate or water-rates for water supplied by the municipal council.

(i) A lighting tax not exceeding certain maximum rates

(j). A tax on arts, professions, trades and callings and on offices and appointments at rates not exceeding certain maximum limits

(k) Education cess

(l) Any other tax approved by Government.

In addition to the above sources of taxation, revenue is also derived from (A) Realizations from Special Acts (like the cattle

Trespass Regulation)(B)Income from municipal property and from powers apart from taxation

(2) Review of the municipal systems of taxation and revenue

In Government Order dated 26th March 1912, the Government after calling for the opinions of the Deputy Commissioners of Districts decided against the abolition of octroi as a general measure and left the initiative in the matter to be taken by the municipal council concerned. In para 12 of their Proceedings No. 3905-55 / M1. 132-16-1 dated 16th November 1916 passing - orders on the development of local self-government in Mysore, the Government while reaffirming the above policy pointed out that the revenues of municipalities could be augmented by better and more systematic enforcement of the existing powers of taxation and by proper collection of their current demands, and - expressed the opinion that the income of municipalities should be derived from a few direct sources which can be easily and - economically collected and accounted for while the expenditure should be limited to those services which secure the greatest benefit without a disproportionate outlay on general or supervising establishments. About three years later the Government in passing orders in No.R.4050-60/M1.198-19-1 dated 22nd September 1919 on certain correspondence arising from the above -- proceedings issued certain instructions for the regularisation and development of municipal taxation. These instructions were mainly (a) That the direct taxes like House tax should be revised and augmented and (b) That the fees from the issue of licenses and the income from municipal properties such as markets and slaughter houses should be developed

(3) Budget Rules.

The Budget Rules are laid down in Section 169 of the Regula-

Regulation and in Articles 18-27 of the Municipal Account Manual In Government Order dated 16th November 1916 the Government directed that the budgets of minor municipal - councils should be passed by the Deputy Commissioner, those of town and city municipal councils being passed by Government. further, the points calling for the interference of the Deputy Commissioner or the Government were restricted to a few essentials. All the Municipal Councils were given the power to make re-appropriations of budget grants both under major and minor heads and to sanction additional grants (without trenching on the prescribed minimum balance) except for the purpose of increasing expenditure under establishment.

(4) Other financial Rules

Audit and other financial rules are prescribed in -- Sections 170 to 172 and 177 of the Regulation Provision for the monthly audit of municipal accounts by an audit - Committee of the municipal council is provided for in Rule 362 of the Municipal Account Manual. the preparation of the annual accounts and administration Report being regulated by Rule 363 of the Municipal Account Manual. By Government Order dated 16th November 1916, the Government have prescribed a half yearly local audit of municipal accounts by the - account officers of Government.

(5) Establishments.

The powers of municipal councils in regard to establishments are defined by clauses (b) to (h) of Section 46 and - by Section 177 of the Regulation as well as by Rules 27 and 281 to 283 of the Municipal Account Manual. The net result is that variations in the scale of establishments in the case of minor municipal councils have to be sanctioned by the - Deputy Commissioner while similar variations in the case of

town and city municipal councils require the sanction of Government. Appendix B of the Mysore Service Regulations regulates the grant of pensions and gratuities to municipal employees

(6) Public Works.

Under Rule 241 of the Municipal Account Manual, municipal councils may sanction within Budget limits estimates for all - repair works and for original works not exceeding Rs. 1500 in any case, estimates for works costing more than Rs. 1500 being - submitted to Government. So far as I have examined the subject, there appear to be no standing orders requiring each municipal - council to draw up a regular programme of public, sanitary and improvement works and to devise ways and means for executing them.

(7) Resolutions of the Local Self-Government Conference regarding municipal taxation and finance

(a) Resolution XXXII (Levy of tolls in municipalities)

This may be accepted. In fact the Government have made an equitable arrangement recently in the case of the Chitaldrug - Municipal Council which sought to levy tolls on through traffic from 1st July 1923

(b) Resolution XXXV (Option to levy shop tax in lieu of profession tax)

This may be accepted by Government.

(c) Resolution XXXVI (Pilgrim tax not to be levied)

This may be accepted by Government, for the present and no further action is required

(d) Resolution XXXVII (Octroi not to be abolished)

This merely repeats in part the previous declarations of policy by Government. But as octroi is being replaced by terminal

taxes elsewhere it is worth while to investigate the subject further before accepting this Resolution for all time to come.

(e) Resolution XXXVIII (Tax on arms and hides)

If any municipal council wants to introduce these taxes, it can apply to Government for permission to do so under clause - xii of Section 59 (b) (1) of the Municipal Regulation.

(f) Resolution XXXIX (Levy of surcharge duties on Excise.)

Recently, the Government in the Financial Department has - passed orders declining to allow such levy for the present. - Moreover the municipal council can always apply under clause xii of Section 59 (b) (1) when it wants to introduce this levy. and so a fresh provision in this behalf in the Regulation seems unnessary.

(g) Resolution XL (Levy of tax on goats and pigs.)

This may be accepted. and Section 59 (b) (1) II (or V) has to be amended

(h) Resolution XLI (cattle show receipts)

After referring to the proceedings of the Conference, I - can find no specific data for this. So each case may be taken up and disposed of on its merits as it arises.

(8) Budgets of a few municipal councils.

Hag H

A Statement showing the budgets of a few important municipal councils is herewith put up After referring to the detailed - budgets, and Administration Reports, in as many cases as possible, I find that

(a) The financial condition of the Mysore City Municipal Council is considered by Government to be unsatisfactory

(b) The arrears in some of the municipalities (Chennapatna Seringapatam etc.) are heavy.

(c) The Bangalore City Municipal Council has a large invested amount. so also has the Dawangere town municipal -- council.

(d) The revemie derived from municipal property and from powers apart from taxation is small in most of the municipalities.

(9) Existing defects and proposed remedies

(a) Matters referred to in the Resolutions of the Local Self-Government Conference.

The recommendations of the Local Self-Government Conference in regard to the levy of tolls, the option to levy shop tax (in lieu of profession tax) in certain cases, and the levy of tax on goats and pigs may be accepted, thereby increasing the municipal income from taxation.

(b) Better arrangements for collecting the current demand and the arrears.

From such of the administration reports as I have read, the arrangements for the collection of the current demand and of the arrears leave much to be desired. By taking up the - case of each such municipality, it has to be decided whether the establishment has to be strengthened or the supervision - has to be improved.

(c) Issue of the municipal manual.

Early arrangements have to be made for the issue of the manual and for its study and steady enforcement by the municipal employees

(d) Drawing up a regular programme of Sanitary and improvement works.

Each municipal council must be asked to draw up such a programme of works according to its financial capacity Bangalore and Mysore Cities have got such programmes.

(e) Resolutions of the Government of India (1915 and 1918)

I have examined in this connection and with some care the Resolutions of the Government of India on Local Self-Government issued in 1915 and 1918 The following points in these seem to deserve notice.

(I) The system under which the executive powers are - exercised in Bombay city by a full time official i.e., the Municipal Commissioner and elsewhere by a Chief Officer is commended for adoption in places where the local conditions are favourable.

(II) The question of substituting, under certain conditions a light terminal tax for octroi should be taken up by municipal councils

(III) Municipalities should bear in mind the possibility of supplementing taxation by development of municipal property so as to ensure the best possible returns and by maintaining the principle that special services such as the supply of - water, electric lighting etc , should ~~pay~~ as far as possible pay for themselves.

(IV) The Government of India finally accepted (in 1918) the principle (laid down by the Decentralization Commission in 1908-9) that if a municipal (or rural board) had to pay for a service, it should control the same and that where it was expedient that the control should be largely in the hands of Government the service should be a provincial one.

As illustrations of the applications of this principle, the Government of India pointed out that, if a board was to provide for civil works or medical relief, it ought, subject to such - general principles as the Government may prescribe, to have - real control over the funds thus provided and should not be - under the constant dictation of Government Departments in matters of detail.

(10) Miscellaneous.

(a) Abolition of minor municipal councils.

In my 1st note on municipal councils, I had stated that Resolution XXXI of the Local Self-Government Conference (regarding option to minor municipal councils to be converted into - Town Councils or Village Panchayets) might be accepted by - Government. Since then I understand that the object of the - resolution was to abolish the minor municipal councils, but I confess I did not look on the Resolution in that light. It - seems to me that the conversion of these into Unions which was advocated in Sir H. Daly's note of 1912 is a milder measure, but unless the minor municipal councils concerned are induced to become village panchayets, their total abolition would be an extreme step and would be fraught with injury to the localities concerned, as there would be no agency to look after the sanitation of these areas

(b) Control of minor muzrai institutions.

In my 1st note where I had suggested delegation to municipal councils of certain functions in regard to minor muzrai institutions, I omitted to mention that the Secretariat Superintendent (Mr. H. V. Krishnaswami Iyengar) had promised to give me a file wherein this very question had been considered by Government - and disposed of in the negative. As the Secretariat Superintendent is now on leave, I cannot take further steps in the matter.

X. Sent from me on 29/3/24 Port

(c) Inspecting Agency.

The appointment of a special expert agency in the Districts seems necessary for the regular inspection of the municipal offices (as well as the offices of other local bodies) and the prompt rectification of the defects periodically noticed by the audit staff, the Deputy Commissioners and the Government.

MT 8/3/24

First Member
&
DEWAN

Summary of discussions in the Representative Assembly.

13th October 1924.

The question of amending the Municipal Regulation in accordance with the recommendation of the Local Self-Government Conference was taken up for discussion. Messrs. Abbas Khan and Karnick Krishnamurthi Rao suggested that several important matters not referred to in the memorandum explaining the proposed amendments should also be permitted to be discussed by the members. In giving consent to the question the Senior Vice-President who, in the absence of the Dewan-President, occupied the Chair said that the matters mentioned in the memorandum should first be discussed. The first point for consideration was whether provision may be made in the Regulation for the Presidents of Municipal Councils being elected by the general body of voters as recommended by the Conference.

Mr. Ananthiah. said that the proposal was not acceptable. Direct election of the President implied in his opinion want of confidence in the Council. Besides, the election of person outside the Council as President may not conduce to harmony in the Council.

Mr. Venkatasamiah thought that though the proposal was undoubtedly good there was still no ~~unity~~ necessity for it in Mysore.

Mr. Vema Reddy was of opinion that the members elected by the Municipal voters commanded their confidence and that a President elected by such members was therefore acceptable to them. In the case of big municipalities, however, where the elections are held accord

according~~ly~~ to wards, the President may be elected by the general body of voters.

First Member of Council. The election of a President by the general electorate tends to prevent the formation of cliques in the Councils.

Second Member of Council. In cases where elections are held according to wards, the elected members are men in whom the particular wards have confidence. It may not be that the citizens, as a whole, have confidence in them individually. If therefore, the system of direct voting is adopted, the President will doubly represent the interests of the people.

Mr.G.Paramasivaiya inquired whether the President will be elected before nominations to the Councils are made when the Councils are yet incomplete?

The First Member of Council replied that the President's election will be after nominations are made.

Mr.Ramachandra Rao Scindia suggested that the experiment of direct election may be tried in the case of the President of the Bangalore Municipal Council.

First Member of Council. That the suggestion could not be given effect to as the Municipal Regulation - cannot be amended in time.

Mr.Abdul Nabi said that from his experience of the Tumkur Municipality, it would be better to have direct election. If a President elected by the general body of voters does not carry out his work to the satisfaction of the rate-payers, they will have the opportunity to point out defects and criticise the actions of the President, while if he is elected by the Council itself he will be responsible only to the Council and not to the rate-payers. He hoped that the system would be

extended to the towns of Bangalore and Mysore.

Mr.Niligiri Sanjiviah, Mr. OosmanKhan, Mr.Srinivasa Iyengar and several others strongly supported the idea of direct election.

In reply to Mr.Boranna, the First Member mentioned that the period of the tenmure of office of a President would be three years an annual election being a rather inconvenient matter. He added that Government had no intention of introducing the proposed system into all the minor munccipalities. If it was found satisfactory in the municipalities into which it was going to be introduced, attempt would be made to introduce it into other municipalities.

Mr.M.S.Narasinga Rao was not in favour of the scheme proposed by Government. He thought that a President elected by the Municipal Council would be better than one elected by the general body of voters. He added that under the latter practice, there was a danger of persons being elected as President ~~but~~ not on account of their merit but on account of a large number of the voters belonging to their community. Mr.Gopalasami, Mr.Baliga, Mr.Chika Nanjappa Chetty agreed with this opinion and added that under the proposed change, Presidents would not be responsible to the Councils and were likely to be arbitrary and dictatorial. The First Member pointed out that such Presidents would be removed.

Mr.Karnick Krishnamurthy Rao strongly supported the scheme placed before the House by the Government. He said that the existing regulations did not provide for the election of the President and the Vice-President by the general body of voters. This matter had been under the consideration of the Bangalore City Municipality

for a long time and the municipality thought that provision should be made for it. What was now intended was to insert an enabling provision. It was not at all necessary that effect should be given to it immediately in all the municipalities. It would remove many existing irregularities. It would prevent cliques and ensure the election of a really satisfactory person.

Mr.B.Narasinga Rao was against the proposed scheme. He said that the President of a Municipality was elected by the Municipal Council and as such was unable to do anything by himself. The Municipal Council was responsible for policy whereas the President only presided. If the President was elected by the general body of voters it was just possible that he would not work in harmony with the Council. Though perhaps suitable for cities like Bangalore and Mysore, he thought it would not do for other municipalities. What in his opinion was important was that the President should command the confidence of the Council rather than that of the rate-payers.

Mr.Murugesam Pillai thought that considering the progress that Municipal Government had made in the State during the past few years it was time that the system of direct election was introduced. The system had the merit of giving members of the backward classes a chance of being elected as Presidents. Mr.Mallappa and Mr.Byanna agreed with this view and suggested that the system may be given a trial in the Bangalore City.

The question of direct election of the President having been considered to have been fully discussed votes were taken and the House was formed to be in favour of the proposal of the Government by a large majority.

The next point taken up for consideration was the question of the re-introduction of shop-tax.

The First Member pointed out that the existing Municipal Regulation provided only for the levy of profession taxes and that in giving effect to the provisions of the Regulation shop tax had been abolis ed in several municipalities in the State, and wherever it was levied it was not legal. It was pointed out that the abolition of the shop tax had crippled the resources of the smaller municipalities to a great extent and that therefore frequent representations had been made for its revival. It was therefore necessary to provide in the Regulation for such a levy.

Messrs. R.Srinivasaiengar and Singri Nanjappa spoke in favour of the proposal and suggested that there should be provision for the levy of either profession tax or shop tax at the discretion of the Municipal Councils concerned. The First Member observed that under section 59 of the Regulation the levy of any tax was optional, and it was open to each Municipal Council to choose the items for taxation in the said section.

Messrs. Mahli Venkataramiah, Chikka Nanjappa Setty and Mir Mahomed thought that there should be provision for the levy of house tax and shop tax separately. Shop-tax had to be levied on the trader concerned while the owner of the houses had to pay the house-tax. The two cannot be combined into one as the profits are not divided between the trader and the owner of the house.

Messrs.D.S.Hanumantha Rao and Vema Reddy however of opinion that by converting a portion of the house into a shop the owner would make a better income by way of rents and as the municipal assessment is to be based on rental value of a house, the rent derived from the shop has also to be taken into account when fixing assessment

No separate shop tax should be levied on the businessmen. Even if it is levied the trader who does not make any profit will give up the business and run away. The tax cannot be collected from him. So far as the rental value of the house itself is concerned, if one trader vacates the shop some other man will occupy it so that the municipality also will not have any difficulty in collecting the shop tax.

With reference to the above remarks, the First Member observed that it was not right to expect the owner of the house to pay taxes both on account of the whole building and also the shop as such as that would practically mean a double taxation. Care will have to be taken to see that double taxation is avoided and the Municipal ~~Regulations~~ Councils will have to frame suitable rules in this connection.

The Second Member pointed out that as regards the levy of Municipal Tax the procedure adopted differed in different places. In classifying buildings for purposes of ~~xhxxh~~ municipal taxation, certain houses in which only a small portion was used as such and the rest as shop, the whole building was assessed to shop tax. In some other cases such houses were assessed to house tax and shop tax was levied separately. In seme places, the shpp tax is recovered from the shopkeeper while in others, the owner of the building pays it. House tax, he said should be based on the rental value of the building and should be paid by the owner irrespective of the purpose for which it may be used. The Municipal Regulation provided for the levy of a profession tax but not shop tax but in several municipalities the system of shop tax was in vogue. To regularise this levy legislation was necessary.

Mr.Usman Khan said that the Municipal tax must be paid by the house owner himself and never by the tenant.

Second Member pointed out that there is no connection between the shop tax and the house tax, the first being a personal liability and the second on the particular property.

The opinion of the House was then taken and it was found that the Assembly approved of the Municipal Regulation being so amended as to give option to -- Municipal Councils to levy shop tax in lieu of profession tax.

The next point taken up for consideration was Inspection of Municipal Offices by Deputy Commissioners and their powers to call for records as in the case of District Boards.

Mr.Kesaviah said that as Deputy Commissioners have been given this power in respect of District Boards, and it was but right that the power to inspect municipalities should also be vested in them.

Mr.Karnick Krishnamurthi Rao was opposed to granting this powers. He thought it would be sufficient if Deputy Commissioners were allowed to call for records for purposes of reference.

Mr.Sati Halappa thought that there was objection to Deputy Commissioners inspecting the Municipal Offices which have no non-official Presidents. In other cases he was in favour of the power vesting with Government. Mr.Boranna agreed.

The First Member said that the Deputy Commissioner, as a representative of Government in the district, exercises a general supervision over the various departments of Government. There could therefore be no objection to his inspecting Municipal Offices.

The Second Member added that empowering Deputy Commissioners to inspect Municipalities did not mean --

entrusting them with the work of annual inspection of municipalities. Inspection will become necessary only in certain cases, e.g., on hearing some allegation against the municipality. All that was intended was that the Deputy Commissioner should have the power of inspect the Municipal Offices in certain cases as for instance when he received complaints against the municipality.

The House voted in favour of empowering the Deputy Commissioner to inspect Municipal Offices and call for records whenever necessary or desirable.

The Assembly next proceeded to consider the question of the appointment of Inspectors by Government to Inspect Municipal Offices.

Mr.Abdul Nabi Khan said that the work of inspection should be done only by the Deputy Commissioner and not by officers of a smaller status and this power should not be delegated to any subordinates. Further the appointment of inspectors involved extra expenditure, which was not desirable.

Mr.Usman Khan pointed out that the power vested in the Deputy Commissioner was for a special purpose. The Inspector was meant for a different purpose altogether. Audit, inspection, and the like would fall within the duties of the Inspector. Mr.Sati Hallappa agreed.

Mr.Rudrappa was against the appointment of an Inspector of municipalities as being unnecessary and leading to duplication of inspection work and Mr.Byanna agreed.

The Second Member said that he would like to correct a possible misapprehension. The Inspector of Municipal offices, contemplated by Government, was not an officer

of a small status but one of a fairly high status. In Madras they had an officer of the status of a Collector.

Messrs. Abbas Khan, G.Paramasiviah, D.S.Mallappa, Niligiri Sanjiviah and Mir Mahomed did not think it worthwhile appointing separate inspectors of municipalities as the Deputy Commissioners themselves could inspect the Municipal Offices. Conditions in Mysore were not exactly like those in Madras and in view of the present financial condition of the State the question did not require consideration immediately. There were several other urgent matters requiring all the money that Government could spare and these should be attended to first.

Mr.Karnick Krishnamurthi Rao thought that the appointment of an Inspector was very necessary perhaps of more than one. It was necessary that there ~~would~~ should be some one to supervise the working of municipalities, see that the rules are carried out. Even if the present financial condition of the State did not permit of such an appointment being made, there was no harm in providing for it in the Regulation.

Mr.M.Venkatakrishnaiya suggested that the services of retired officers could be utilised for the work of the inspection.

Mr.S.Srikantaiya considered that the appointment of an Inspector was necessary for at least five years.

Mr.Nanjundaraja Urs was against the appointment of such officer.

The proposal to make provision in the Regulation for the appointment of Inspectors of Municipalities was put to vote and the opinion of the Assembly was against it.

The next question taken up for consideration was the execution of warrants of one Municipality in another for recovery of taxes.

The proposal was put to vote and carried unanimously

The Assembly next discussed the question of the grant of the House building advances to employees of local bodies out of their funds.

Mr.G.Paramasivaiya said that if advances are given to Municipal employees it may become necessary to have them in the same Municipality for a long time that is until the advance is cleared. This was not conducive to efficiency.

The First Member of Council pointed out that this need not follow as the amount could be recovered in monthly instalments wherever the official may be working. To a statement made by several members that Municipalities are generally poor and could not afford funds for advance for house building the First Member said that the grant was not obligatory and that only such municipalities as could afford it may grant the advances.

Mr.Belur Srihivasa Iyengar said that the proposal was a very desirable one . Government servants were given such a facility and Municipal servants should not be denied the privilege.

Messrs. Karnick Krishnamurthi Rao and Byranna thought that instead of granting advances municipalities themselves build houses and let them out to their employees.

Messrs.Ramaswami and Byanna agreed with Mr.Krishnamurthi Rao.

Mr.D.S.Hanumantha Rao and Mr.Usman Khan said that there was no harm in making such a provision in the Municipal Regulation so that whenever possible Municipal Councils could avail themselves of it. The latter added that the fear of the advance being lost was groundless.

The First Member said that it was the duty of every Municipality to relieve congestion and provide necessary facilities to its constituents. At the present time Municipal servants were worse off than Government servants, the pay of the highest official in any municipality being not more than Rs 100/- or Rs 120/-. If equal treatment was not -- accorded to both these classes of officials, their would be much room for discontent. As regards the view that the grant of such advances will only lead to indebtedness, he totally disagreed with this view. But for such advances he thought there would have been no extensions in Bangalore. The suggestion that Municipalities may construct houses and rent them out would not meet the case fully as retired servants cannot occupy them to the detriment of their successors.

It was not possible for Government to grant advances to municipal employees as it was against financial rules and further no money is available. But it was necessary that this should be treated on a par with Government officers in this matter - and this was why it was proposed to give option to local bodies to sanction housebuilding loans if they have the necessary funds.

The opinion of the house was against the grant of the house building advances to municipal employees.

As regards the question of providing for the composition of municipal offences, the house was - unanimously in favour of it.

Grant of loans to encourage local arts and industries.

The First Member said that the Municipal and Local Boards Regulations have been amended so as to transfer economic work to local bodies. In --

consequence of this transfer the Local Self-Government Conference have recommended that Local Bodies be empowered to grant loans. It was therefore -- proposed to give ~~to~~ Local Bodies the power to sanction loans to whatever extent it may be possible for them to do so. for the encourage of local arts and industries.

Mr.Paramasiviya was opposed to the proposal. He thought that the Industries and Commerce Department which was maintained by Government at heavy cost should attend to this matters. It can justify its existence only by undertaking that the encouragement of local arts and industries. If every local body had to advance loans the demand would be very heavy.

Mr.Malali Venkataramaiah, Mr.Surappa, Mr.Ananthiah and Mr.Sanjeevaiah thought that having regard to the abolition of taluk boards and taluk progress committees it should be the duty of the municipalities to afford suitable encouragement to local arts and industries.

Mr.Mallappa thought that this was not the legitimate work of municipalities. All that they could do was to see that no tax was imposed on any industry and that expert advise wherever possible or necessary was available. Municipalities should not undertake the work of co-operative Societies.

Mr.Osman Khan said that the encouragement of local arts and industries was a legitimate work - of municipalities and was involved in the very idea of Local Self-Government.

The First Member of Council said that it was desirableto give municipalities the power of making such grants. For instance during the recent distress in the Kolar and Tumkur Districts Municipal Councils asked for Government 's permission to sanction --

loans to weavers and others who were in need of help but permission could not be given under the present Municipal Regulation. There was therefore no harm in making a provosion in the Regulation on this - behalf.

The proposal was put to vote and the House was in favour of making a provision of the kind under discussion.

Teh Dewan informed the house that replies to Interpellations would be placed on the members tables by 12 noon the next day and that any supplementary questions may be put and answered thereafter. But at the request of the members the Dewan promised that the copies would be distributed to them by five P.M. that evening which was accordingly done.

The members having then represented that there were several suggestions which they would like to make in connection with the Local Self-Government Memorandum the Dewan said that to discuss these - suggestion at that stage would be against the -- recognised procedure. He added, however, that as a special case he would allow Resolusions on the subject which would be taken up after the other business of the Assembly was over.

Mr.Karnick Krishnamurthi Rao complained that Local subjects could not be discussed at the House that subjects placed before the District authorities were not permitted to be sent to the higher authorities and that under the new constitution there was less scope for the people to express their grievances to the Government. The Dewan replied that under the existing system the District Boards consider the - Local subjects and submit their opinions thereon to the Government for orders. Mr.Krishnamurthi Rao -

requested that the opinions of the Board with the orders of Government thereon may be communicated to the members.

Proceedings of the Government of His Highness the Maharaja of Mysore.

R e a d--

G. O. No. 3005-55-Ml. 132-16-1 dated 16th November 1916 passing orders on the scheme for the development of Local Self-Government in Mysore.

2. G.O. No.R.4050-60/Ml. 98-19-1 dated 22nd September 1919 passing orders on the regularisation and development of Municipal taxation in the State.

3. Resolutions of the Local Self-Government Conference of 1923 relating to Municipalities.

O R D E R NO.

Dated Bangalore 1924.

The Government in their order dated 16th November 1916 read above, laid down ~~down~~ the policy regarding the future development of local bodies in the State and accepted the following recommendations of the Local Self-Government Conference of 1915 in regard to the development of Municipalities. The Municipalities constituted under the executive orders of the Government were abolished and all the Municipalities in the State were brought under the Regulation and classed as city, town and minor Municipal Councils. In the City Municipal Councils, an elected majority was provided

for, while in the town council the elected element was fixed at half the total strength of the council and in minor municipalities the elected proportion was one-third. Provision was made in the Regulation for the appointment of Chief Executive Officers in all Municipalities where circumstances necessitated or justified such appointments. The order also contained other instructions relating to the enlarged powers of Municipal Councils over budget sanctions and appropriation of grants and made provision for outside control. The Municipal Councils were also empowered to raise loans for productive works. These extensive changes necessitated the amendment of the Municipal Regulation and Regulation V of 1918 was passed to give effect to the policy laid down by the Government. - Three other amendments have been subsequently passed to provide (1) for the appoinment of economic committees (2) for the levy of education cess and (3) for the appointment of Commissioners in City Municipalities. There are at present 102 Municipalities in the State of which two are City, ~~39~~ 35 Town and ~~41~~ 65 Minor. The total income of these Municipalities is Rs. 21,28,120. and their total expenditure Rs. 22,24,295. The Resolutions of the Local Self-Government Conference relating to Municipalities are 12 in number and none of them involve any radical change in the constitution or functions of these institutions. The suggestions made in these Resolutions relate chiefly to further improvements to be effected in Municipal administration and they will be dealt with infra.

CONSTITUTION.

2— The Conference have recommended in their Resolution No. XXXI that the Minor Municipalities should be given the option of being converted into Town Municipalities or Village Panchayets. ~~The Resolution would seem to suggest the abolition of the Minor Municipalities altogether~~. Government are aware that the income of a large number of the Minor Municipalities is very small and that they are not even in a position to employ a separate Sanitary or Vaccination staff. ~~The question of finance alone cannot be a sufficient reason for the dis-establishment of~~ these bodies as these institutions have certain potentialities for further development which may be secured by sympathetic guidance and by a gradual extension of the application of the excepted provisions of the Regulation. More over it is significant that the suggestion for dis-establishment has not come from even a single South Municipal Council. Government therefore are pleased to observe that while they are prepared to consider proposals - from Minor Municipal Councils for conversion into Town Councils, they think that conversion of such institutions into Panchayets would be a retrograde step and may even be resented by the local bodies concerned.

~~Government therefore consider it~~ necessary to continue the Minor Municipal Councils and ~~further direct that~~ the elected element

in these councils ~~also~~ be raised to half the total strength.

3 As regards franchise qualifications, the Conference have no suggestions to offer except that they recommended franchise being extended to women. This recommendation is accepted to the extent that women will be entitled to vote at elections subject to the same rules as men but they will not be entitled to stand for election. The (Regulation) will be suitably amended to give effect to this Resolution.

4 As Education will form one of the important functions of these Councils, it is necessary to have an Educational Officer on the Municipal Councils as an ex-officio member. In determining the constitution of these Municipal Councils care will be taken to include the local Educational Officer as a member.

CHAIRMAN.

5 In the order of November 1916, Government ~~laid down as general policy and so far as conditions allow~~ the principle recommended by the Conference of 1915 ~~of the elections of Presidents and Vice Presidents in the City and Town Municipal Councils~~ and they also laid down that unless competent men ~~are~~ were available the President ~~of~~ Minor Municipal Councils would continue to be nominated. At present there are .6... non-official Presidents and 85... Vice Presidents. Government are prepared to try the experiment of having non-official Presidents in all Town Municipal Councils and are pleased to direct that the President of a Town Municipal Council be ordinarily elected.

Standing Committee's Suggestions in respect of this whole paragraph

"1) The Presidents of the Municipal Councils should be elected generally

2) The term of office of a President should be coterminous with that of the Municipal Council itself

3) The election of the President should be by the general body of voters.

4) It is not necessary that the President should be elected from among the Municipal Councillors."

Draft rules should be prepared accordingly — MK 28/7

In the case of minor Municipal Councils the President should ordinarily be nominated and the Vice President elected from among the Councillors MK 28/7

a) Presidents & Vice Presidents for Municipal Councils should be elected

When there is a non-official President, there is no need for a Vice President. In the case of Minor Municipal Councils, the President will continue to be nominated and where there is an ex-officio President, the Vice President may be elected. The question of the election of Presidents and Vice Presidents of Municipal Councils by the general body of voters instead of by the members of the Councils concerned, has been pressed for the consideration of - Government from time to time both in the Representative Assembly and by the Local Self-Government Conference. The disposal of the subject has been delayed as it involves amending the existing provisions of the Regulation. As the general sense of ~~the~~ public opinion is in favour of such an arrangement, Government are pleased to accept the recommendation made by the Local Self-Government Conference in ... Resolution No. XLVII. Necessary action will be taken to amend the Regulation and prescribe rules for guidance at such elections. ~~The~~ amendment to Section 23 clause (6) provides that the ~~time~~ term of office of ~~election~~ an elected President or Vice President of a Municipal Council other than a City Municipal Council shall be ~~for~~ one year, while that in Cities is 3 years. Government consider that it is no longer necessary to make this distinction between City and Town Councils as clause (6) provides - adequately against misconduct of non-official office bearers and are pleased to direct that the time of an elected or nominated President or Vice Presidents ~~will~~ be ordinarily ---------

be coterminous with that of the Municipal Council itself.

CHIEF EXECUTIVE OFFICERS

The provision made in the Regulation regarding the appoint of Chief Executive Officers has not been availed of largely in the State. The reason is clear that the finances of most of the Municipalities do not admit of such expenditure and a majority of the Municipalities do not require the services of a whole time officer. The appointment of such officers will therefore be left entirely to the discretion of the Municipal Councils But provision will be made in the Regulation for the appointment of a Chief Officer by the Government in any Municipality which has been grossly mismanaged or where Government may for sufficient cause deem it necessary to appoint one, whether temporaraly or otherwise.

POWERS AND FUNCTIONS.

There is at present no clear provision in the Regulation authorising Municipal Councils to discuss all local subjects of general nature if they do not fall within the purview of the ~~existant~~ existing provisions of the Regulation Action will therefore be taken to make suitable provision in the Regulation so that the functions of Municipal Councils may fit in with the general scheme of constitutional reforms in the State, as indicated in para 69 of the Government Order dated 29th October 1923. In the case of Minor Municipal Councils, the application of these complex provisions would be inexpedient and it will therefore be necessary to frame suitable

Kind attention is invited to the portion noted at foot of 13 3 24.
MG
16 5

The Commissioner recommend that this paragraph may be deleted
MG
28/7

Rules for the disposal of local subjects arising in those areas through the Deputy Commissioner of the District who may call for a meeting of selected representatives of these minor institutions and discuss with them the local subjects and submit recommendations to the Government wherever necessary.

C O N T R O L.

8 The powers of control possessed by the Deputy Commissioner and the Government over Municipal Councils are described in Sections 170 to 180 of the Regulation. In the Order of 16th November 1916, Government enlarged the powers of the Municipal Councils in respect of budget sanctions and re-appropriations of budget grants both under major and minor heads and sanction of additional grants without trenching on the prescribed minimum. To ensure that these enlarged powers were properly exercised the Government provided for a half yearly audit of Municipal accounts, a portion of the cost of which ~~must~~ must be found from Municipal funds. The existing provisions in the Regulation provide adequately for control and interference under certain special circumstances. There is however no provision for exercising control and supervision over the routine administration of municipalities other than that relating to audit of accounts. The Local Self-Government Conference have in their Resolution No. XIX accordinly proposed that the Deputy Commissioner should have power (1) to inspect the offices of Municipal Councils (2) to call for records

in cases either of his own motion or on application of an aggrieved party and if satisfied that the order or proceedings of the Council or its executive is wrong or contrary to law to submit the records of the case with his opinion to Government for such orders as they deem fit to pass. Government are pleased to accept the above recommendation and action will be taken to make suitable provision in the Regulation for exercise of these powers. The Deputy Commissioner will however not exercise such powers over City -- Municipalities.

FINANCE AND TAXATION.

The taxes, tolls and fees which may ordinarily be levied by Municipalities are enumerated in Section 59 of the Municipal Regulation. The range of taxation is wide enough and full advantage has not been taken of the available provisions for developing the resources of the municipality. In their order of November 1916 the Government observed that the income of the Municipalities should be derived from a few direct sources which can be easily and economically collected and accounted for and that their expenditure should be limited to those services which secure the greatest benefit without a disproportionate outlay on general and supervising establishments. It was also pointed out that there is great scope for augmenting the resources of Municipalities by better and more systematic ~~enfour~~ enforcement of the existing powers of taxation and by proper collection of their current demand. Again in their Order No. 4050-60/M1.98-19-1 dated 22nd September 1919 the Government reviewed the question of municipal taxation and called upon the

City and Town Municipal Councils to regularise the taxes levied by them in accordance with the provisions of the Municipal Regulation. In this order instructions also were conveyed for effecting improvements in the finances of the Municipal bodies by a revision of the house-tax, levy of water rate wherever possible, levy of animal and vehicle tax and levy of special and or general sanitary cess. The attention of the Municipalities was drawn to the fact that the income from Municipal property such as markets, slaughter houses etc., had not been developed to the fullest extent and that no attempt had been made to improve the receipts under license fees etc. These instructions are repeated here and the attention of all Municipal Councils is once again invited to the importance of directing their energies to the development of the sources of the revenue mentioned above. ~~The Local Self-Government Conference~~ 10 ~~have suggested~~ The following measures for improving the Municipal resources, Law has suggested by the Local Self-Govt Conference

1. Shop-tax should be introduced and all Municipal Councils should have the option of levying shop-tax in lieu of profession tax.
2. A tax on arms and hides, goats and pigs should be levied.

The recommendation to levy shop-tax in lieu of profession tax although advantageous in certain respects is not without defects. For instance certain class of people who would contribute towards municipal revenues

if profession tax is levied would escape taxation under the revised system. Lawyers, Government servants, itenerent traders and men carrying on general business would all escape taxation. It would therefore be inexpedient to give the option absolutely. Government however will take steps to so amend the Municipal Regulation as to enable Municipal Councils to levy shop tax in lieu of or in addition to profession tax subject to such rules as may be framed by the Government to avoid double taxation under the same head. As regards the levy of taxes on arms and hides, goats and pigs Government observe that there is already provision in the Municipal Regulation under clause ~~12~~ (xii) section 59 (b) (1) whereby any Municipal Council which desires to levy any other tax than those mentioned in the said Section, may apply to the Government to do so. If separate provision is essential, steps will be taken to mention the items specifically at the time when the Municipal Regulation is revised as a whole. The levy of surcharge duties proposed by the Conference has to be deferred for the present. The ~~question of~~ levy of tolls ~~has not met with any hearty response and is another source of taxation which has to be deprecated and discouraged~~ in another form / indirect. ~~If any~~ special cases come up for the orders of the Government such cases will be dealt with on their merits and orders passed so as to arrive at an equitable arrangement between Municipalities and District Boards within whose limits tolls are levied. The question of replacing octroi by a terminal tax should receive the attention of the Municipal Councils whose recommendations in the matter will be awaited.

Standing Committee recommendation
(1) Shop tax should be made available in lieu of and not in addition to Profession Tax.
(2) No tax need be levied on "arms" and this word should be deleted from the Regulation.
MS

Where such cases come up before the Govt. the Committee can safely leave them to be dealt with by the Municipal Councils. In fixing the amount of tolls to be levied by Municipal Councils, while the system is not free from disadvantages the revenue from this source is not inconsiderable and the Municipal Councils should be left to deal with the matter themselves.

It has been brought to the notice of the Government that there is an irregular distribution of the burden with regard to the levy of contributions from Municipalities for medical and education charges. In all municipal areas where local fund dispensaries are established it is pointed out that the Municipalities contribute a third of the cost of such institutions leaving out of account the pay of the Sub Assistant Surgeon and Europe medicines met from State funds. The Headquarter Municipalities pay - no quota towards medical charges. Similarly the contributions on account of education charges are also not levied according to any definite principle. Government consider that the contributions payable by Municipal bodies towards medical relief ~~will~~ should be fixed at a definite percentage of the income of the Municipal bodies so as to distribute the burden of expenditure evenly on all institutions performing similar functions. As regards education charges, Government consider that the anomoly ~~cannot~~ may be remedied by the levy of an education cess compulsorily in all municipal areas supplemented by a 5% contribution from Municipal funds.

RESOLUTIONS OF THE CONFERENCE.

(17) In the above paragraphs such of the Resolutions of the Conference as have a general bearing on questions of policy and finance have been disposed of. The action taken or proposed to be taken in respect of the ~~other~~ following resolutions is indicated ~~below~~: against Each resolution

Resolutions of the Conference.	Orders of Government
Resolution No.X- Vaccination be made compulsory ~~per~~ as a permanent measure.	The recommendation is accepted by the Government. Suitable provision will be made in the Regulation.
ResolutionNo.XI- Procedure for the acquisition of land for the formation of new villages and the extension of existing ones be simplified and the Deputy Commissioners empowered to sanction on their own authority subject to such limitations as Government may prescribe.	Recent orders issued to avoid delay in acquisition proceedings provide for sufficient safe-guards against the grievances complained of. Further action will therefore be deferred.
Resolution No.XVI- It is not necessary to have representatives of Municipal Councils on District Boards.	Recommendation accepted.
Resolution XXIII- As regards medical officers attached to local fund dispensaries their transfer if desired by the local bodies should be given effect to.	Instructions will be issued to the Senior Surgeon to give effect to the wishes of local bodies as far as possible.
Resolution No.XXIV- That ordinarily no official borne on the establishment of a Minor or Town Municipal Council should be retained in the same Municipal Office for more than 3 years and that in no case should the period exceed 5 years etc.	This resolution raises an important question and requires separate consideration. This is accordingly reserved for separate orders.
Resolution No.XXVI- Revision of the Municipal Account Code.	This has been done and is under the scrutiny of the Government.
Resolution XXIX- Appointment of a single committee for economic development work instead of three committees.	Recommendation accepted. Action will be taken to amend the Regulation.

Resolution No. XXIII- Exemption from payment of penalty to Government for the conversion of agricultural lands for house-building purposes.	Reserved for separate orders.
Resolution No.XLVI- Establishment of Municipalities in Jahgirs.	Reserved for separate orders.

GENERAL.

2— In order to secure efficiency in Municipal administration, Government may appoint an Inspector of Municipalities one or more for each District, to inspect all the Municipal offices in a District, point out defects in them, see to the rectification of the same and otherwise assist the Municipal executive in carrying on the work of the Municipal Council efficiently. The question of town planning and town improvements will be separately taken up for consideration and advertised.

Secretary to Government,
Local and Legislative Departments,

26/4/24

General remarks by the Standing Committee

(1) As regards resolution No XXIII - re hardships of ryots. Employees who have put in 35 years service in any one place, the Committee desired that Govt may frame suitable rules to give effect to the sense of the resolution.

(2) Provision should be made in the Rept for interpellations by members -

(3) Provision should be made for appeals against decisions in election disputes -

MK
27

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

R E A D -

G.O.No.3005-55/Ml.132-16-1 dated 16th November 1916 passing orders on the scheme for the development of Local Self-Government in Mysore.

2. G.O.No.R.4050-60/Ml.98-19-1 dated 22nd September 1919 passing orders on the regularisation and development of Municipal Taxation in the State.

3. G.O.No.L.5305-5457/Ml.162-221 dated 27th January 1923 directing the holding of a Local Self-Government Conference at Bangalor to go into all questions with a view to further develop Local Self-Government in the State.

4. Resolutions of the Local Self-Government Conference of 1923 relating to Municipalities.

5. G.O.No.L.30-47/Ml.93-23-4 dated 3rd July 1924 sanctioning the revision of the Mysore Municipal Account Manual and stating that separate orders will issue on the proposals of the Committee to consider the revision of the Manual in regard to administrative matters relating to Municipalities.

6. Suggestions of the Committee appointed to revise the Municipal Account Manual in regard to administrative matters in respect of Municipalities.

ORDER NO:

Dated, Bangalore, 1924.

The Government in their order dated 16th November 1916 read above, laid down the policy regarding the future development of Local Bodies in the State and accepted the following recommendations of the Local Self-Government Conference of 1915 in regard to the development of Municipalities. The Municipalities constituted under the executive orders of the Government were reconstituted and all the Municipalities in the State were brought under the Regulation and classed as City, Town and Minor Municipal Councils. In the City Municipal Councils, an elected majority was provided for, while in the Town Councils the elected element was fixed at half the total strength of the Councils and in minor Municipal Councils the elected proportion was one-third. Provision was made in the Regulation for the appointment of Chief Executive Officers in all Municipalities where circumstances necessitated or justified such appointments. The order also provided for enlarged powers of Municipal Councils over budget sanctions and appropriation of grants and for a half yearly audit of accounts by Government Agency. The Municipal Councils were also empowered to raise loans for productive works. These extensive changes necessitated the amendment of the Municipal Regulation and Regulation V of 1918 was passed to give effect to the policy laid down by the -

Government. Three other amendments have been subsequently passed to provide (1) for the appointment of economic committees (2) for the levy of education cess and (3) for the appointment of Commissioners in City Municipalities. The Resolutions of the Local Self-Government Conference relating to the Municipalities do not involve any radical changes in the constitution or functions of these institutions. The suggestions made in these Resolutions relate chiefly to further improvements to be effected in Municipal administration and they will be dealt with infra.

2. MINOR MUNICIPALITIES.

The question of the continuance of Minor Municipal Councils called forth some discussion at the last Conference and although the sense of the Conference was that the Minor Municipal Councils should continue, a resolution has been recorded that they should be given the option of being converted into Town Municipalities or Panchayets. In connection with the introduction of the Reforms, 6 Minor Municipal Councils have been already raised to the status of Town Municipal Councils. As regards the conversion of Minor Municipal Councils into Town Municipal Councils, at their option as a general rule, - Government do not deem it expedient to extend as a matter of course the more complex provisions of the Municipal Regulation to every Minor Municipal Council applying for the same.

Each case will have to be dealt with on its merits and orders passed. The question of converting these institutions into Panchayets is not likely to be urged by any of them as under the Municipal Regulation they enjoy larger powers and have greater scope for useful work without much outside interference. Further, out of 66 Minor Municipalities, 52 had had experience of Municipal administration as non-regulation Municipalities prior to the introduction of the Scheme of 1916 and only 14 local areas were newly brought under Municipal administration; None of them has applied for disestablishment. No change is, therefore, called for in the special constitution of these bodies except in respect of the increase of the elected element which has been urged in the Representative Assembly The elected proportion in Minor Municipal Councils will accordingly be raised from one-third to one-half of the total strength.

3 Constitution.

Few important changes have been proposed by the Conference with regard to the constitution of Municipal Councils or their committees. Of the minor changes proposed their recommendation that there should be a single committee instead of three separate committees for economic development work has been accepted by Government and orders have already been passed in the matter. As regards franchise qualifications, the Conference recommend that franchise being extended to women.

Note
Since orders extending panchayat to women has been issued this para requires revision -
MK

This recommendation is accepted to the extent that women will be entitled to vote at elections subject to the same rules as men but ~~they will not be entitled to stand for election~~. The rules will be suitably amended to give effect to this decision. As education will form one of the important functions of Municipal Councils, it is necessary to have an Educational Officer on the Municipal Council as an ex-officio member. In determining the constitution of Municipal Councils steps will be taken to provide for the appointment of an Educational Officer as a member of the Council.

A Chairman.

In the order of November 1916, Government accepted the principle recommended by the Conference of 1915 that so far as local conditions allow, Presidents and Vice-Presidents for the City and Town Municipal Councils - should be elected. As regards Minor Municipalities they laid down that unless competent men were available, the President of a Minor Municipal Council should continue to be -- nominated. The Presidents and Vice-Presidents are at present elected by the respective -- Municipal Councils from among their own member In regard to the election of Presidents to Municipal Councils, a very important change has been proposed by the Corference - in that they recommend that the Presidents of City, Town and Minor Municipal Councils should be elected by the general body of voters instead

of by the Councils concerned. The Standing Committee for Local Self-Government have also endorsed the resolution so far as it affects City and Town Municipal Councils and made the following suggestions:-

(a) The Presidents of City and Town Municipal Councils should be ordinarily elected.

(b) The election of the Presidents should be by the general body of voters.

(c) The term of office of Presidents should be coterminus with that of the Councils concerned.

(d) The President to be elected need not necessarily be from among the members of the Municipal Councils.

(e) In the case of Minor Municipal Councils, the President may continue to be nominated and when there is an ex-officio President, a Vice-President should be elected.

In the light of experience gained in the past and in view of the repeated representations made in this behalf, Government consider that a further advance on the lines above recommended is justified and are accordingly pleased to accept the proposals of the Standing Committee in their entirity. Necessary action will be taken to amend the Municipal Regulation and prescribe suitable rules for guidance at elections. Government further consider that when there is a non-official President, there is no need for a Vice-President and that where the work necessitates it,

the Municipal Councils concerned should view favourably ~~presumably~~ the question of having Chief Executive Officers to assist the Presidents in carrying on the executive administration of municipalities.

5. Finance and Taxation.

The taxes, tolls and fees which may ordinarily be levied by Municipal Councils are enumerated in Section 59 of the Municipal Regulation. The range of taxation is wide enough and full advantage has not been taken of the available provisions for developing the resources of Municipalities in the State. Octroi forms an important source of revenue in most of the Municipalities, while sufficient attention has not been paid to the development of Municipal revenues by improvements in the levy of direct taxes such as house, animal and vehicle tax, general Sanitary cess, lighting tax and water rate. As regards shop tax, Government in their Order No.4050-60/Ml. 93-19-1 dated 22nd September 1919 pointed out that the levy of tax on shops was not legal and that it should be replaced immediately by a tax on professions and trades, in regard to which the schedule of taxes had been amended under the Regulation of 1918 so as to reduce the taxable minimum to an income of Rs30 a month. With reference to this order representations have been received from several Municipal Councils that the substitution of profession tax for shop tax would materially reduce the revenues of municipalities. The Local Self-

Instruction in Council

Noted to discuss statutorily the question of levy of shop tax. Provision may be made in the Rules for the levy of the said tax by excluding taxes on shops under Sec 59.

Government Conference also recommend that the levy of shop tax should be legalised and that all Municipal Councils should have the option of levying the same in lieu of profession tax. The recommendation to levy shop tax in lieu of profession tax although advantageous in certain respects is not without disadvantageous, especially in cities like Bangalore and Mysore and perhaps in some of the larger municipalities in the State. For instance, certain classes of people who would contribute towards the Municipal revenue if profession tax is levied, would escape taxation under the revised system. Lawyers, Government servants, employees in business would all escape concerns, men engaged in general business would all escape taxation. But shop tax in smaller municipalities has a decided advantage over profession tax, for under the latter system only persons whose income is Rs.30 a month or more are liable to taxation while shop tax is leviable from all shop keepers irrespective of their income. Further, in smaller municipalities the business men are mostly small traders and petty shop keepers whose income in the majority of cases does not exceed Rs. 30 a month. It would not be expedient to enhance the rates of profession tax to overcome these difficulties for that would tell on citizens whose income is Rs.200 or more a month and who have to pay income tax in addition Considering all these circumstances and in view of the fact that shop tax continues to be levied in as many as 18 out of 29 Town Municipalities pal Councils, Government are pleased

to accept the resolution of the Conference Steps will be taken to amend the Municipal Regulation and the taxation rules of Minor Municipal Councils suitably.

sub-
Reference to goats and pigs should be omitted

The Conference recommend that in order to improve the income of Municipalities, taxes on arms, hides, goats and pigs be levied and that provision be made in the Municipal Regulation for the levy of surcharge duties on - Excise. Government observe that it is not desirable to levy a tax on arms, that goats and pigs reared in any Municipalityas may be taxed at a rate not exceeding a rupee a year as in the case of dogs and that for every hide imported into Municipalities an octroi duty not exceeding 6 pies might be levied. Action will be taken to amend the Municipal Regulation and the rules framed thereunder in order to give effect to the levy of these taxes. The proposal to levy surcharge duties will have to be deferred for the present. The levy of tolls is another source of revenue which the Municipal Councils wish to readily ~~resort to~~ avail of in order to augment their income. The Conference have recommended that the system of establishing toll gates at the entrance to Municipalities on District Fund Roads should be deprecated and that Municipal toll revenue, whenever levied, should be apportioned between Municipal Councils and District Boards. The question of apportionment of toll revenue between District Boards and Municipalities ~~raised~~ remarks by the Conference is separately under consideration and orders therein will issue in due course.

6. Control and Inspection.

The existing Regulation provides adequnt ly for control and interference under certain special circumstances. There is, however, no provision for exercising control and supervision for exercising over the routine -- administration of municipalities other than that relating to audit of accounts. The Local Self-Government Conference have in their -- Resolution No.XIX proposed that the Deputy Commissioner should have power (1) to inspect the offices of Municipal Councils (2) to call for records in cases either of his own motion or on application of an aggrieved party and if satisfied that the order or proceedings of the Council or its executive is wrong or contrary to law, to submit the records of the case with his opinion to Government for such orders as they deem fit to pass. Government accept the resolution of the Conference with this modification that the Deputy Commissioner will exercise such powers only in respect of Town and Minor Municipal Councils.

In order to secure efficiency in Municipal administration Government think it necessary to reserve to themselves the right to appoint one or more Inspectors of Municipalities ~~for each District~~, to inspect all the Muni ipal Offices, ~~& Records~~, point out defects in them, see to the rectification of the same and otherwise assist the Municipal Executive in carrying on the work of the Municipal Councils efficiently. Government also consider that in the case of

Municipalities which are mis-managed or where Government for sufficient cause deem it necessary, they should have the power to appoint a Chief Officer to carry on the executive functions in an efficient way instead of superseding the Municipal Council under section 179 of the Municipal Regulation. Provision will be made in the Municipal Regulation and rules thereunder accordingly.

Note-
This require to be enacted as the existing primary law does not cover all cases of this kind.

7. Suggestions of the Committee appointed to revise the Municipal Account Manual and the Standing Committee for Local Self-Government.

A Committee was appointed to revise the Municipal Account Manual. Orders have been passed on the recommendations of the Committee the principal changes introduced being the enlargement of the powers of the Municipal Councils in regard to the sanction of estimates for public works and variation in the scale of establishment.

Action has also been taken on other recommendations of the Committee of an administrative character and the following suggestions have been accepted by the Government:-

(a) Provision for execution of warrants of one Municipality in another for recovery of taxes.

(b) Permission to be given to Municipal Councils to grant house-building advances to their employees out of their funds.

(c) Provision to be made for composition of Municipal offences.

(d) Provision to be made for the grant of loans to encourage local arts and industries.

x (e) Permission to be given to levy taxes on Government buildings which are used for residential purposes and which require Municipal services.

All these changes involve legislation and these along with other amendments pending consideration will be taken up as early as practicable.

Government hope that with the improvements sanctioned in the above order, the Municipal Councils will be enabled to show greater efficiency in their administration and improvement in their finances.

Secretary to Government,
Local & Legislative Departments.

To

The Municipal Commissioner, Bangalore City through the President, City Municipal Council.

The President, Mysore City Municipal Council

The Deputy Commissioners of Districts.

The Comptroller to Government.

The Inspector General of Education in Mysore

The Excise Commissioner in Mysore.

The Sanitary Commissioner in Mysore.

The Special Officer, Local Self-Government.

First Note on Municipal Councils (Constitution, powers and functions etc.)

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7. Existing defects and proposed remedies.

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(1) Brief Sketch of municipal legislation in Mysore.

In October 1906 Regulation VII of 1906 (the Mysore Municipal Regulation) was passed; and it has been since amended in the following years and for the objects noted against each.

(a) Regulation IX of 1911- Amendment of Section 48, the addition of Sections 77 A and 175 A. (relating to Octroi and the preparation of plans and estimates for municipal works)

(b) Regulation XIII of 1914- Addition of new Sections 53 A, and 68 A to D, amendment of Section 59 (a) (Loans, Transfer of title, Exemption from tax)

(c) Regulation VIII of 1915- Addition of Section 112 A (re. the Water supply Dept.) and the amendment of Sections 40 and 41 of the Regulation

(d) Regulation III of 1916- Amendment of Section 59

(e) Regulation V of 1918- Amendment of the Regulation so as to give effect to the reorganization scheme sanctioned by Government for municipal councils.

(f) Regulation I of 1921- - Amendment of the Regulation so as to provide for the appointment of Economic Development Committees.

(g) Regulation V of 1922- providing for the levy of education cess by municipal councils.

(h) Regulation IV of 1923- providing for the appointment of commissioners in the city municipalities for carrying out the executive duties

(2) Notifications, Rules and byelaws under the Regulation.

The notifications and rules required under the Regulation have been issued by Government from time to time. For convenience of reference it is necessary to make a compilation of all these as has been done elsewhere. and this will be attended to by me in connection with the revision in committee of the municipal manual. Each municipal council has to compile and print its own byelaws as sanctioned by Government. The Bangalore City Municipal Council has done this.

(3) Constitution of Municipal Councils

(a) Sections 9 to 20 of the Regulation and the notifications of Government issued thereunder lay down directions for the constitution of municipal councils, the qualifications of voters and candidates, the rules for the conduct of elections and the functions of Presidents and Vice Presidents. Under the above law, the number of elected councillors is not less than two-thirds of the total strength in city municipal councils, one half in town and one third in minor municipal councils.

(b) Chairman In Government Order dated 16th November 1916 the Government laid down"as a general policy and so far as conditions allow the principle recommended by the Local Boards conference of the election of Presidents and Vice Presidents in city and town municipal councils." They further laid down that in minor municipalities, unless competent men are available, the President would continue to be nominated, the Vice President being, where possible, elected by the municipal council. The policy thus laid down in 1916 and embodied as far as possible in the amending Regulation V of 1918 has been steadily given effect to by Government in recent years.

(c) Chief executive Officers

In the Government Order dated 16th November 1916 already referred to, the Government laid down as a general policy that " municipal councils should employ paid permanent men, so far as their funds permit, to attend to the routine executive work under the control of and in subordination to the Presidents and Vice Presidents." The policy thus laid down was embodied in Section 186 newly added by amending Regulation V of 1918. but so far as I am aware no practical effect has been given to this provision. It seems to me that further advance has to be made in this direction and that such advance will add to the efficiency of municipal administration. I may further point out that this distinction between administrative (or deliberative) and executive functions of local bodies has been dwelt in Dewan Rangacharlu's address of 1882.

(4) POWERS AND FUNCTIONS.

(a) Obligatory, special and optional functions.

The obligatory, special and optional functions of municipal councils are defined in Sections 54, 55 and 56 respectively of the Municipal Regulation. As the power to dispose of ('or pass Resolutions on) local subjects has recently been delegated by Government to municipal councils, clause (K) of Section 56 seems to be the only existing provision authorising municipal councils to discuss such subjects. but even this does not seem a satisfactory one as it refers to the provision of funds for certain measures and not to the consideration and disposal of certain subjects. Under the system followed in Western Europe, the powers and functions of municipal councils are extremely wide, only those not exerciseable by such councils being specified in the laws and all the rest being considered necessary to their existence and functioning. As the system prevailing here is different, it is out of the question to think of transplanting these legal ideas. and so it may be

necessary to amend Section 56 in course of time to enable municipal councils to take up more work - say, social welfare work, town planning work etc.

(b) Certain increased scope of work

In para 10 of their Order dated 16th November 1916 on the scheme for the development of local Self-Government, the Government declared themselves in favour of gradually transferring the control of elementary education, medical relief and minor muzrai institutions to municipal councils. In the Bangalore city, the control of elementary education has recently been transferred to the city municipal council, but beyond this, I am not aware of the above declared policy of Government having been carried out on any large scale. But it seems to me that the above lines appear to be those on which advance is likely to be attended with success.

(5) Outside control.

The powers of control possessed by the Deputy Commissioner and the Government over municipal councils are enumerated and described in Sections 170 to 180 of the Regulation. In addition to the above powers of control vested in the Deputy Commissioner, the Local Self-Government Conference of 1923 have proposed in Resolution XIX that the Deputy Commissioner should be invested with the following additional powers:-

(a) To inspect the offices of municipal councils.
(b) To call for the records of any case either of his own motion or on the application of an aggrieved party and
(c) If satisfied that the order or proceedings of the council or its executive is wrong or contrary to law, to submit the records of the case with his opinion to Government for orders.

As by Section 180 A, the Deputy Commissioner's powers of control over city municipal councils are restricted, the above resolution of the Local Self-Government conference may be confined in its operation to town and minor municipal councils.

(6) Resolutions of the Local Self-Government Conference regarding Municipal Councils.

Flag 'A'

The Resolutions of the Local Self-Government Conference of 1923 regarding Municipal Councils are extracted and put up.

(a) Resolution X (making Vaccination compulsory)

Arranging for public vaccination is one of the obligatory functions of municipal councils, and this Resolution may be accepted by Government

(b) Resolution XI (Adoption of simpler procedure for land acquisition)

From the enquiries made by me, it appears that there is much delay in the Deputy Commissioners' offices in taking action in land acquisition matters. Before therefore the law is altered, action may be taken to work the existing law more expeditiously, and if even this remedy fails, then action to alter the law may be taken

(c) Resolution XVI (Representation of municipal councils on Dt Boards to be dispensed with)

This resolution may be accepted by Government. A draft Government Order has also been put up by me in the note on the ten Resolutions vitally relevant to the introduction of constitutional Developments

(d) XVII (No change required for municipal franchises)

This may be accepted and no further action is required.

(e) Resolution XVIII (Extension of franchise to women)

This may be accepted by Government. In fact a draft Government Order has been put up by me in the note referred to above.

(f) Resolution XIX (Grant of increased powers of control to Deputy Commissioners)

This may be accepted by Government as already stated by me in para 5 of this note

(g) Resolution XXIV (Transfer of officials in town and minor Municipal Councils.)

This may be accepted by Government.

(h) Resolution XXVI (Preparation of a municipal manual)

(i) Action has been taken on this

(i) Resolution XXIX (A. One committee for Economic development B. Grant of loans for local arts and industries.

(A) I certainly think that there is not much scope in municipalities for development work in regard to agriculture. and no committee for this need be appointed under Section 29 A of the Regulation. But as regards Education and Industries the matter seems to be different

(B) The Regulation may be amended to provide for the grant of loans in such cases, but some years will elapse before most of the municipal councils will be in possession of the requisite funds for making such loans.

(j) Resolution XXXI (Option to minor municipal councils for conversion into Town Municipalities or Village Panchayets.

This may be accepted by Government, but I doubt if any minor municipal council will ever agree to being converted into a Village Panchayet. In fact the Secretariat records show --

that they had strong sentimental objections to such conversion.

(k) Resolution XXXIII(Remitting the penalty for the conversion of agricultural lands into building sites)

I have in my note on District Boards disagreed with this. but it seems to me that in the case of the poorer municipalities, the amount thus levied may be paid back to the councils as a - grant-in-aid. This procedure may appear roundabout. but it has the merit of asserting the Government's right to the penalty and at the same time of making a grant-in-aid to the Councils. A -- similar procedure has been recommended by the Financial Secretary in the case of the adjustment of P.W.D. establishment charges -- payable by semi-official bodies to Government

A distinction without a difference.

(l) Resolutions XXXII, and XXXV to XLI (relating to certain municipal taxes.)

These will be dealt with by me in my second note on municipal councils (municipal taxation and finance)

(m) Resolution XLVI (Establishment of municipalities in Jaghirs) 14/6/40

The question has to be dealt with after reference to the - sunnad and title deed in the case of both the Jaghirs. There is a municipality now in Sringeri, but it is/a non-Regulation one. I believe there are files regarding the revenues and the administrative powers of both these Jaghirs. and the question has to be separately dealt with after reference to these files.

(n) Resolution XLVII (Election of presidents by plebiscite)

I have expressed, in my note on District Boards, doubts regarding this Resolution and have also shown by reference to -- Bryce's " American commonwealth " that the United States which - follows this method has not been happy in its municipal administra-

administration. It may perhaps be contended that as this direct method of election is followed in the election of members by taluk and District constituencies to the Representative Assembly and Legislative Council respectively, it should be equally successful in the present case also. But while in the first case the member merely represents wants and grievances, the elected president in the second place has to be the deliberative and executive head of the municipal council in the majority of instances

(7) Existing defects and proposed remedies.

The following points, some of which have already been indicated in previous paras, deserve notice.

(a) Further development of the policy laid down by Government in 1916-18

The appointment of Chief Officers in Town Municipalities which can bear the cost and the delegation to the councils of certain functions in regard to elementary education, medical relief and minor muzrai institutions appear to be the lines on which further development might be fruitful of good results.

(b) The matters dealt with in the Resolutions of the Local Self-Government Conference.

These have already been dealt with in the previous para Certain defects have been pointed out in these and suitable remedies have also been proposed. I have also given my opinion thereon.

(c) As regards the appointment of chief executive officers for all local bodies- when funds are available and when the bodies concerned ask for it- it will be seen from Dewan Rangacharlu's address of 1882 that he - although a staunch believer in democratic government- advocated this administrative measure in the case of important local bodies more than forty years ago.

Flag C

First Member
&
Dewan.

Dewan 4/3/24

(C) Resolutions of the Local Self-Government Conference regarding Municipal Councils.

RESOLUTION X.

That vaccination in Municipal areas be made as a compulsory as a permanent measure X X X.

RESOLUTION XI.

That the procedure for the acquisition of land for the formation of new villages and, the extension of the existing ones be simplified and the Deputy Commissioners empowered to sanction such acquisitions on their own authority subject to such limitations as the Government may prescribe.

RESOLUTION XVI.

2 That it is not necessary to have representatives of Municipal Councils, including City Municipal Councils on District Boards.

RESOLUTION XVII.

That, while no change is necessary in the franchise qualifications prescribed for elections to the Municipal Councils, the franchise qualifications prescribed for Representative Assembly elections be adopted for elections to the Taluk Boards.

RESOLUTION XVIII.

That the franchise be extended to women in the case of elections to Municipal Ceeua Councils x x x on the basis of the same qualifications as are adopted for male voters.

RESOLUTION XIX.

That as it is necessary to provide for inspection of offices of Local Bodies and for speedy remedy to aggrieved

parties the Deputy Commissioner of the District, in addition to the powers now vested in him be authorised to inspect the offices of Local Bodies and call for the records of any case either of his own motion or on the application of an aggrieved party and if satisfied that the order or proceedings of the Board or its executive is wrong or contrary to law, submit the records of the case with his opinion to Government for such orders as they may deem fit to pass in the matter.

RESOLUTION XXIII.

That, as regards medical officers attached to Local Fund Dispensaries, their transfer if desired by the Local Body concerned should be given effect to, though their appointment promotion and punishment may rest with the Senior Surgeon or the Government as the case may be.

RESOLUTION XXIV.

That ordinarily no official borne on the establishment of a Minor or Town Municipal Council or on the establishment of the Local Boards should be retained in the same Municipal or Local Board Office for more than three years and that in no case should the period exceed five years and that a list of officials in Municipal service who have completed three year's service should be sent periodically to the Deputy Commissioner of the District for effecting their transfer from one establishment to another, that as regards the officials of the District Board President's office drawing a pay of Rs. 40 and upwards, the list may be sent to Government for transfer of officials from one District Board to another District Board.

RESOLUTIONS XXVI.

That a Committee consisting of an Account Officer representatives of Municipalities including City Municipalities

Municipalities and Presidents of District Boards be appointed for the revision of the Municipal Account Code and the compilation of a Local Fund Account Code.

RESOLUTION XXIX.

That to deal with the Educational, Industrial and Agricultural problems connected with the Economic Conference the Local Bodies may have a single Committee in lieu of three separate Committees:

That the Local Boards and Municipal Regulations be suitably amended so as to empower Local Bodies to grant loans for the encouragement of local arts and industries, subject to such limitations and safeguards as the Government may deem fit to impose.

RESOLUTION XXXI.

That Minor Municipalities may be given the option of being converted into Town Municipalities or Village Panchayats.

RESOLUTION XXXII.

That, while the system of establishing toll-gates at the entrance to Municipalities on District Fund Roads is to be deprecated, the revenue from Municipal toll when levied should be shared between the District Boards and the Municipal Councils and that the Government should fix the share in some equitable proportion.

RESOLUTION XXXIII.

That as it is the duty of the State to provide facilities for the housing of the poor and to provide suitable sites for building purposes to remove congestion in towns and as the Municipal Councils have been performing the functions which were being formerly performed by the State, this Conference recommends to Government that Municipalities and Local Boa

be exempted from payment of penalty to Government for the conversion of agricultural lands for housebuilding purpose.

RESOLUTION XXXV.

That the Municipal Regulation be suitably amended so as to give option to Municipalities to levy shop tax in lieu of profession tax.

RESOLUTION XXXVI.

That the levy of Pilgrim Tax is objectionable on various grounds and should not be introduced.

RESOLUTION XXXVII.

That it is not desirable to abolish the levy of Octroi duties.

RESOLUTION XXXVIII.

That a tax on arms and hides be levied and that necessary provision for the same be made in the Municipal and Local Boards Regulations.

RESOLUTION XXXIX.

That necessary provision be made in the Municipal Regulation for the levy of surcharge duties on Excise.

RESOLUTION XL.

That provision be made for the levy of a tax on goats and pigs but not on sheep.

RESOLUTION XLI.

That one-third of the net realizations after deducting Sanitary and other charges from Jatras held in connection with Muzrai institutions, be given to District Boards and the remaining two-thirds credited to the funds of the temple concerned. In the case of cattle shows, etc., organized under

the auspices of Local Bodies, one third of the realizations after deducting all the charges may be given over to the local temple or temples as the District Board thinks fit.

RESOLUTION XLVI.

That the question of the establishment of Village Panchayats and Municipalities in Inam Villages and Jahgirs be referred to the Committee proposed to be appointed in connection with the establishment of Panchayats.

RESOLUTION XLVII.

That the non-official Presidents of City Municipalities, Town Municipalities and Minor Municipalities be elected by the general body of voters instead of by the Municipal Councillors

Extract from the Dewan's Address to the Representative Assembly of 1882.

In considering the constitution of Municipal and Local Fund Boards, it will be useful to have regard to the distinction between Administrative and Executive functions. Representative bodies are eminently fitted for the former, but they would labour under great disadvantages if charged with the executive work. In ~~difficulty~~ the smaller Municipalities with limited income and expenditure, there will not be difficulty in leaving the entire administration, both administrative and executive, to the Municipa Boards. but in large Municipalities like those of Bangalore and Mysore, involving various important interests, with a large income and requiring extensive establishments to administer Municipal affairs with efficiency, as well as in regard to Local Fund Boards whose works extend over wide areas, a separation of the administrative from executive functions will be necessary to ensure success. The former may be placed entirely in the hands of the Representative Boards, subject to the control of the Government, but the Government officers or other paid officers possessed of the requisite training and appointed or approved by the Government, must continue to be largely employed in the executive portion of the work.

Proceedings of the Government of H. H. the Maharaja of Mysore.

Mel 145-24-1

Read--

G.O.No. 3005-55/Ml. 132-16-1 dated 16th November 1916 passing orders on the scheme for the development of Local Self-Government in Mysore.

2. G.O.No.R.4050-60/Ml. 98-19-1 dated 22nd September 1919 passing orders on the regularisation and development of Municipal Taxation in the State.

3. G.O.No.L.~~53-95~~ 5395-5457/Ml.162-22-1 dated 27th January 1923 directing the holding of a Local Self-Government Conference at Bangalore to go into all questions with a view to further develop Local Self-Government in the State.

4. Resolutions of the Local Self-Government Conference of 1923 relating to Municipalities.

5. G.O.No.L.30-47/Ml.93-23-4 dated 3rd July 1924 sanctioning the revision of the Mysore Municipal Account Manual and stating that separate orders will issue on the proporals of the Committee to consider the revision of the Manual in regard to administrative matters relating to Municipalities.

6. Suggestions of the Committee appointed to revise the Municipal Account Manual in regard to administrative matters in respect of Municipalities.

ORDER NO. L 4527-41

Dated, Bangalore 23rd Dec 1924.

The Government in their order dated 16th November 1916 read above, laid down the policy regarding the future development of Local Bodies in the State and - accepted the following recommendations of the Local Self-Government Conference of 1915 in regard to the development of Municipalities. The Municipalities constituted under the executive orders of the Government were reconstituted and all the Municipalities in the State were brought under the Regulation and classed as City, Town and Minor Municipal Councils. In the City Municipal Councils, an elected majority was provided for, while in the Town Councils the elected element was fixed at - half the total strength of the Councils and in Minor Municipal Councils the elected proportion was one-third. Provision was made in the Regulation for the appointment of Chief Executive Officers in all Municipalities where circumstances necessitated or justified such appointments. The order also provided for enlarged powers of Municipal Councils over budget sanctions and appropriation of grants and for a half-yearly audit of accounts by Government Agency. The Municipal Councils were also empowered to raise loans for productive works. These extensive changes necessitated the amendment of the Municipal -

Regulation and Regulation V of 1918 was passed to give effect to the policy laid down by the Government. Three other amendments have been subsequently passed to provide (1) for the appointment of economic committees (2) for the levy of education cess and (3) for the appointment of Commissioners in City Municipalities. The Resolution of the Local Self-Government Conference relating to the Municipalities do not involve any important changes in the constitution or functions of these institutions. The suggestions made in these Resolutions relate chiefly to further improvements to be effected in Municipal administration and they will be dealt with infra.

2. Minor Municipalities.

The question of the continuance of Minor Municipal Councils called forth some discussion at the last Conference and although the sense of the Conference was that the Minor Municipal Councils should continue, a resolution has been recorded that they should be given the option of being converted into Town Municipalities, or Panchayets. In connection with the introduction of the reforms, 6 Minor Municipal Councils have been already raised to the status of Town Municipal Councils. As regards the conversion of Minor Municipal Councils into Town

Municipal Councils at their option as a general rule, Government do not deem it expedient to extend as a matter of course the more complex provisions of the Municipal Regulation to every Minor Municipal Council applying for the same. Each case will have to be dealt with on its merits ~~and merits~~ and orders passed. The question of converting these institutions into Panchayets is not likely to be urged by any of them as under the Municipal Regulation they enjoy larger powers and have greater scope for useful work without much outside interference. (Further, out of 66 Minor Municipalities, 52 had had experience of Municipal administration as non-regulation Municipalities prior to the introduction of the scheme of 1916 and only 14 local areas were newly brought under Municipal administration. None of them has applied for disestablishment.) No change is, therefore, called for in the special constitution of these bodies except in respect of the increase of the elected element which has been urged for the consideration of Government. The elected proportion in Minor Municipal Councils will accordingly be raised from one-third to one-half of the total strength.

3. Constitution.

Few important changes have been proposed by the Conference with regard to the -- constitution of Municipal Councils or --

their committees. Of the minor changes proposed, their recommendation that there should be a single committee instead of three separate committees for economic development work has been accepted by - Government and orders have already been passed in the matter. As regards franchise qualifications, the Conference recommend franchise being extended to - women. This recommendation has been - accepted to the extent that women will be entitled to vote at elections subject to the same rules as men and the rules have been suitably amended. As education will form one of the important - functions of Municipal Councils, it is necessary to have an Educational Officer on the Municipal Council as an ex-officio ~~on the Municipal~~ member. In determining the constitution of Municipal Councils - steps will be taken to provide for the appointment of an Educational Officer as a member of the Council

4. Presidents and Vice Presidents

In the order of November 1916, - Government accepted the principle recommended by the Conference of 1915 that so far as local conditions allow, Presidents and Vice Presidents for the City and Town Municipal Councils should be elected. - As regards Minor Municipalities they laid

down that unless competent men were available, the President of a Minor Municipal Council should continue to be nominated. This principle will continue to govern the policy of Government in this matter and Government will be prepared to consider favourably applications from Town Municipal Councils where suitable candidates are forthcoming to take up the office of President. The Presidents and Vice-Presidents are at present elected by the respective Municipal Councils from among their own members. In regard to the election of Presidents to Municipal Councils, a very important change has been proposed by the Conference in that it is recommended that the Presidents of City, Town and Minor Municipal Councils should be elected by the General body of voters instead of by the Councils concerned from among their own members. This is a change which has not been adopted so far anywhere in British India and Government consider it inexpedient to adopt the change ~~universally~~ universally in the State without giving it a trial in a few select areas. To enable this being done, provision will be made in the Municipal Regulation for the election of Presidents by the general body of voters in such areas as may be approved by Government and in accordance with such rules as may be framed from time to time. (~~In other cases, the existing provisions of the Regulation will be retained for application~~).

5 Representations have been made to Government that the ~~term~~ term of office of Presidents of ~~other than City~~ Municipal Councils should be coterminous with their term as members of the

Councils concerned and not restricted to one year as in the case of Town and Minor Municipal Councils at present. Government are pleased to accept this recommendation and suitable action will be taken to amend the Regulation.

6. As regards the appointment of Vice-Presidents it has been suggested that there is no need for a Vice-President when a non-official President is selected for a Municipal Council. The existing provisions in the Regulation meet the requirements of all such cases satisfactorily as the appointment of Vice-Presidents to ~~the~~ Municipal Councils is discretionary with the Government under Section 23 of the Municipal Regulation. Ordinarily, when the President is a non-official there will be no need for a Vice-President, but ~~if~~ should circumstances arise necessitating or justifying the appointment of a Vice-President he shall be elected by the Municipal Council from among its members.

7. As regards the appointment of Chief Officers, Government consider that it is desirable that such officers should be entertained by Municipal Councils where the work necessitates or justifies such appointments.

8. Finance and Taxation

The taxes, tolls and fees which may ordi-

Ordinarily be levied by Municipal Councils are enumerated in Section 59 of the Municipal Regulation. The range of taxation is wide enough and full advantage has not been taken of the available provisions for developing the resources of Municipalities in the State. Octroi forms an important source of revenue in most of the Municipalities, and sufficient attention has not been paid to the development of Municipal revenue by improvements in the levy of direct taxes such as taxes on animals and vehicles ~~tax~~, general sanitary cess, lighting tax and water rate. As regards the levy of profession taxes in lieu of shop tax, Government in their Order No. 4050-60/M1. 98-19-1 dated 22nd September 1919 pointed out that the levy of tax on shops was not legal and that it should be replaced by a tax on professions and trades, in regard to which the schedule of taxes had been amended under the Regulation of 1918 so as to reduce the taxable minimum to an income of Rs. 30 a month. With reference to this order, representations have been received from several Municipal Councils, that the substitution of profession tax for shop tax would materially reduce the revenues of Municipalities. The Local Self-Government Conference also recommend that the levy of shop tax should be legalised and that all Municipal Councils should have the option of levying the same in lieu of profession tax as shop tax in - smaller Municipalities has a decided advantage over profession tax; for under the latter system only persons whose income is Rs. 30 a month or more are liable to taxation while shop tax is leviable from all shopkeepers irrespective of -

their income. In consideration of these circumstances and in view of the fact that shop tax continues to be levied by many Municipal Councils even now, Government think that it is desirable to legalise the levy of ~~shop~~ the tax and they are pleased to direct that provision ~~will accordingly~~ be made in the Regulation for the levy of ~~the said tax~~ shop tax in lieu of taxes on professions, trades and callings at the option of the Municipal Councils. The taxation rules of minor - Municipal Councils in this respect will also be suitably amended.

9. In order to improve the income of Municipal ~~ties~~ concerns, the Conference recommend the levy of taxes on arms, hides, goats and pigs. The question of the levy of a tax of one - anna per head of goat and sheep was brought up in the form of a resolution at the last meeting of the Representative Assembly and the House was not in favour of such taxation. Government agree that it is not desirable to add to the list of taxes in the manner proposed and desire to point out that there is sufficient provision in the Regulation to regulate the stalling of goats and sheep within Municipal limits and to prevent the straying of animals ~~so as to cause a nuisance.~~ In the case of pigs also the Municipal Regulation provides against the keeping of such animals ~~so as to be~~ which might become a nuisance (vide.Sections 48 & 137) No action is therefore called for in this direction

The proposal to levy surcharge duties

is under the consideration of Govt & separate orders will be passed on this subject
~~will have to be deferred for the present.~~

The levy of tolls is another source of revenue which the Municipal Councils wish to - readily avail of in order to augment their income. The Conference have recommended that the system of establishing toll gates at the entrance to Municipalities on District Fund Roads should be deprecated and that Municipal toll revenue, whenever levied should be - apportioned between Municipal Councils and District Boards. The question of apportionment of toll revenue between District Boards and Municipal Councils raised by the Conference is separately under consideration and orders thereon will issue in due course.

18. Control and Inspection.

The existing Regulation provides adequately for control and interference under certain special circumstances. There is, however, no provision in the Regulation for exercising control and supervision over the routine administration of Municipalities other than that relating to audit of accounts. The Local Self-Government Conference have in their Resolution No. XIX proposed that the Deputy Commissioner should have power (1) to inspect the offices of - Municipal Councils (2) to call for records in cases either of his own motion or on application of an aggrieved party and if satisfied that the order or proceedings of the Council or its executive is wrong or contrary to law, to submit the records of the case with his opinion to Government for such orders as they -

deem fit to pass. Government accept the resolution of the Conference with this modification that the Deputy Commissioner will exercise such powers only in respect of Town and Minor Municipal Councils. Steps will be taken to amend the Municipal Regulation accordingly.

12. The question of the transfer of Municipal employees after they have put in a definite period of service in any one place was urged for consideration at the last session of the Representative Assembly and although the question was a complicated one, the House considering the advantages to be gained by such transfers agreed that to give effect to the scheme it is necess-ary to entertain in Municipal offices only lent officers from Government service and to this extent they were prepared to ~~forego~~ sustain the powers of patronage exercised by Presidents of Local Bodies. The recommendation of the House will be accepted and detailed rules will be issued for the guidance of Municipal Councils to give effect to the scheme.

13. Miscellaneous.

A Committee was appointed to revise the Municipal Account Manual. Orders have been passed on the recommendations of the Committee, the principal changes introduced being the enlargement of the powers of Municipal Councils in regard to the sanction of estimates for public works and variation in the scale of establishment. The Representative Assembly was also consulted in regard to the other re-

recommendations of the Committee of an administrative character and Government agree with the House that the question of appointment of -- Inspectors of Municipalities and grant of House-Building Advances to Municipal employees from Municipal funds be dropped for the present and direct that provision be made in the Municipal Regulation for the following matters:-

(a) Execution of warrants of one Municipality in another for recovery of taxes.

(b) Composition of Municipal offences.

(c) Grant of loans to encourage local arts and industries.

(d) Municipal Councils to levy taxes on Government buildings which are used for residential purposes and which require - Municipal services.

MS 9/11/24

14 Most of

8. All these changes involve legislation and these along with other amendments pending consideration will be placed before the Legislative Council as early as practicable.

Secretary to Government,
Local & Legislative Departments.

To 85 9/11/24

The Municipal Commissioner, Bangalore City through the President.
The President, Mysore City Municipal Council.
The Deputy Commissioners of Districts.
The Comptroller to Government.
The Inspector General of Education in Mysore.
The Excise Commissioner in Mysore.
The Sanitary Commissioner in Mysore.
The Special Officer, Local Self-Government.
The Press Tabl
The Gazette -

TSS.

G R S III—3]

ROUTINE NOTES

[To be used only for notes, requisitions, etc, not intended for permanent record]

The complete File with all the papers properly arranged is submitted

2. The Council Resolution and the notes of discussion and instructions in the Council on the 4th and 19th September 1924 are also put up. Please see Flag. H.

3. The Final Note seems to require revision in the light of the instructions of Council which are also noted on the margin of Drafts flagged B. and C.

4. Orders regarding women taking part in Municipal Elections have been already issued. The Council have not approved of the provision regarding the appointment of Chief Officer at the discretion of Government. It appears necessary to specify in the Final Note only those changes which require an amendment of the Municipal Regulation.

5. A revised Final Note is submitted for consideration and approval.

3123/3+924

2/10/24.

N B —Should routine notes be written on small slips the notes must be copied or slips pasted on this form

Final Note signed by the Member is placed in the file

3/10

2/10

G R S III—3]

ROUTINE NOTES

[To be used only for notes, requisitions, etc, not intended for permanent record]

N B - Should routine reports be written on small slips the notes must be copied or slips pasted on this form

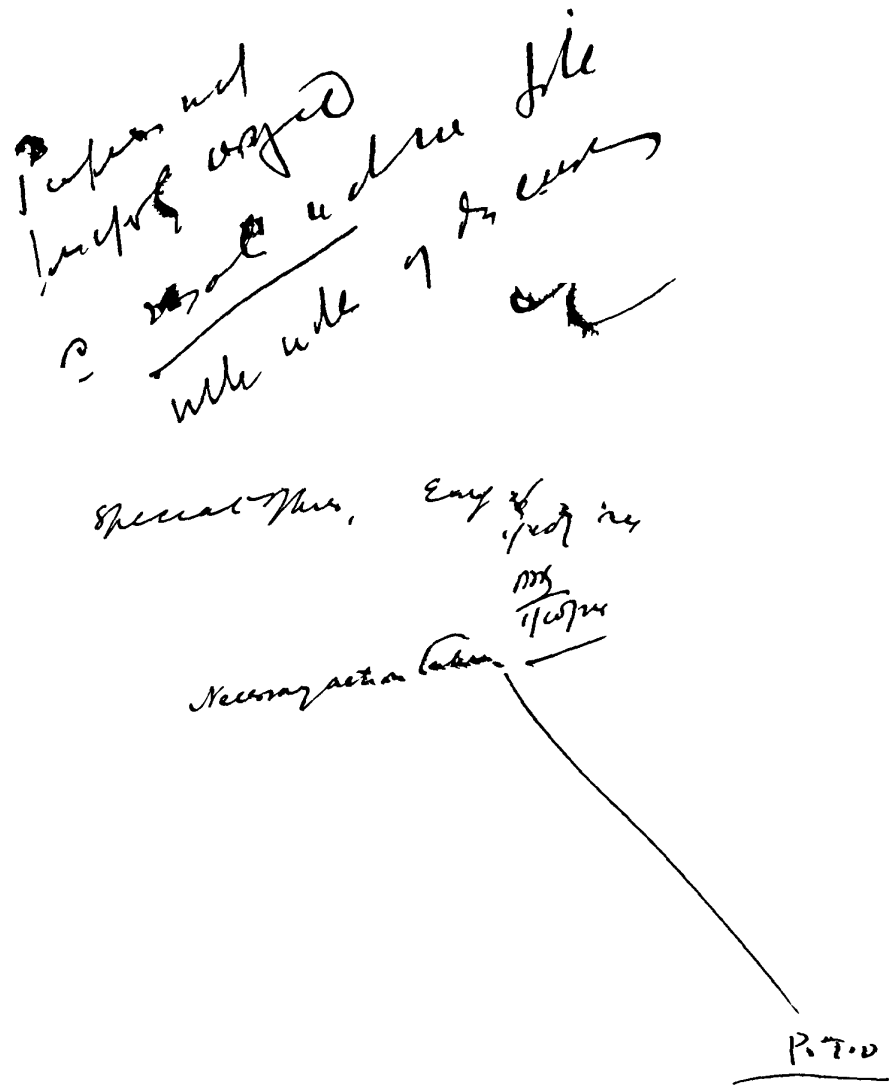
W D 1880-OPB-1 50 000- 2 5 41

Submitted to His Highness

I submit herewith a Final Note by the FIRST *Member of Council on the subject of* draft order on the resolutions of the Local Self Government Conference re. Municipalities,

for His Highness' gracious approval

Dewan



G R S III—3]

ROUTINE NOTES

[To be used only for notes, requisitions, etc, not intended for permanent record]

N B- Should routine notes be written on small slips the notes must be copied or slips pasted on this form

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G R. S III 2,

General and Revenue Secretariat | File No. of 19 .

Serial No

2900/2619

Final Note signed by Hon Member & placed in the file.

Dy. 2619

D R Jaleel

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DEWAN'S OFFICE,
RECD ON 26 SEP 1924
Reg No 2984

NOTE—Contn. sheet.

Final Note by the First Member of Council

Superseded

Subject —

Draft Order on the resolutions of the Local Self Government Conference re Municipalities.

The Draft Order herewith submitted deals with the resolutions of the Local Self Government Conference regarding the constitution, powers and functions of Municipal Councils and the control to be exercised by the Government over Municipal Administration. The main changes proposed to be adopted are -

(a) the extension of the privilege of having an elected President to every Town Municipal Council and doing away with a Vice President when there is a non-official President,

(b) the increase of the elected element in Minor Municipal Councils to one-half of the total strength,

(c) the grant of the privilege of voting at Municipal elections to women possessing the prescribed qualifications,

(d) the introduction of the system of election of Presidents and Vice Presidents by the general body of voters instead of by the Municipal Councillors,

(e) the empowering of Deputy Commissioners to inspect the offices of Town and Minor Municipal Councils and to call for the records of such offices with a view to report for the orders of Government any irregularities that may come to their notice,

(f) making provision for the appointment of a Chief Executive Officer by the Government if gross mismanagement of affairs in any Municipality calls for such interference, and

(g) making provision for the appointment of one or more Inspectors of Municipalities for each District to assist the Municipal Authorities in discharging their duties efficiently.

The reasons for these changes are fully explained in the draft order.

2. The draft order also disposes of the recommendations of the Conference on certain other minor matters.

3. Some of the changes proposed necessitate an amendment of the existing Municipal Regulation and the matter having been considered in Council it has been resolved that the general principles of the legislation required to introduce these changes may be placed before the Representative Assembly.

4. The resolution of the Council may be graciously approved.

Bangalore,
26th September 1924.

MEMBER OF COUNCIL.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS

G O No L 4527 41 -Ml 145 24 1 dated 23rd December 1924

Further Improvements in Municipal Administration

Passes orders on the resolutions of the Local Self Government Conference of April 1923 relating to ——

READ—

Government Order No 3005 55—Ml 132 16 1, dated 16th November 1916, passing orders on the scheme for the development of Local Self Government in Mysore

2 Government Order No R 4050 60—Ml 98 19 1, dated 22nd September 1919, passing orders on the regularisation and development of Municipal Taxation in the State

3 Government Order No L 5395 5457—Ml 162 22 1, dated 27th January 1923, directing the holding of a Local Self Government Conference at Bangalore to go into all questions with a view to further develop Local Self Government in the State

4 Resolutions of the Local Self Government Conference of 1923 relating to Municipalities

5 Government Order No L 30 47—Ml 93 23 4, dated 3rd July 1924, sanctioning the revision of the Mysore Municipal Account Manual and stating that separate orders will issue on the proposals of the Committee to consider the revision of the Manual in regard to administrative matters relating to Municipalities

6 Suggestions of the Committee appointed to revise the Municipal Account Manual in regard to administrative matters in respect of Municipalities

ORDER NO L 4527-41—ML 145 24-1, DATED 23RD DECEMBER 1924

The Government in their order dated 16th November 1916 read above, laid down the policy regarding the future development of local bodies in the State and accepted the following recommendations of the Local Self-Government Conference of 1915 in regard to the development of Municipalities The Municipalities constituted under the executive orders of the Government were reconstituted and all the Municipalities in the State were brought under the Regulation and classed as City, Town and Minor Municipal Councils In the City Municipal Councils, an elected majority was provided for, while in the Town Councils the elected element was fixed at half the total strength of the Councils and in Minor Municipal Councils the elected proportion was one third Provision was made in the Regulation for the appointment of Chief Executive Officers in all Municipalities where circumstances necessitated or justified such appointments The order also provided for enlarged powers of Municipal Councils over budget sanctions and appropriation of grants and for a half yearly audit of accounts by Government Agency The Municipal Councils were also empowered to raise loans for productive works These extensive changes necessitated the amendment of the Municipal Regulation and Regulation V of 1918 was passed to give effect to the policy laid down by the Government Three other amendments have been subsequently passed to provide (1) for the appointment of economic committees, (2) for the levy of education cess, and (3) for the appointment of Commissioners in City Municipalities The Resolutions of the Local Self-Government Conference relating to the Municipalities do not involve any important changes in the constitution or functions of these institutions. The suggestions made in these Resolutions relate chiefly to further improvements to be effected in Municipal Administration and they will be dealt with *infra*

2 *Minor Municipalities* —The question of the continuance of Minor Municipal Councils called forth some discussion at the last Conference and although the sense of the Conference was that the Minor Municipal Councils should continue, a resolution has been recorded that they should be given the option of being converted into Town Municipalities or Panchayets In connection with the introduction of the reforms, six Minor Municipal Councils have been already raised to the status of Town Municipal Councils As regards the conversion of the remaining Minor Municipal Councils into Town Municipal Councils at their option as a general rule, Government do not deem it expedient to extend as a matter of course the more complex provisions of the Municipal Regulation to every Minor Municipal Council applying for the same Each case will have to be dealt with on its merits and orders passed No change is therefore, called for in the special constitution of these bodies except in respect of the increase of the elected element which has been urged for the consideration of Government The elected proportion in Minor Municipal Councils will accordingly be raised from one third to one half of the total strength

3 *Constitution* —Few important changes have been proposed by the Conference with regard to the constitution of Municipal Councils or their Committees Of the minor changes proposed, their recommendation that there should be a single committee instead of three separate committees for economic development work has been accepted by Government and orders have already been passed in the matter As regards franchise qualifications, the Conference recommended franchise being extended to women This recommendation has been accepted to the extent that women will be entitled to vote at elections subject to the same rules as men and the rules have been suitably amended As education will form one of the important functions of Municipal Councils, it is necessary to have an Educational Officer on the Municipal Council as an *ex-officio* member In determining the constitution of Municipal Councils, steps will be taken to provide for the appointment of an Educational Officer as a member of the Council

4 *Presidents and Vice Presidents* —In the order of November 1916, Government accepted the principle recommended by the Conference of 1915 that so far as local conditions allow, Presidents and Vice-Presidents for the City and Town Municipal Councils should be elected As regards Minor Municipalities, they laid down that unless competent men were available, the President of a Minor Municipal Council should continue to be nominated This principle will continue to govern the policy of Government in this matter and Government will be prepared to consider favourably applications from Town Municipal Councils where suitable candidates are forth coming to take up the office of President The Presidents and Vice Presidents are at present elected by the respective Municipal Councils from among their own members In regard to the election of Presidents to Municipal Councils, a very important change has been proposed by the Conference in that it is recommended that the Presidents of City, Town and Minor Municipal Councils should be elected by the general body of voters instead of by the Councils concerned from among their own members This is a change which has not been adopted so far anywhere in British India and Government consider it inexpedient to adopt the change universally in the State without giving it a trial in a few select areas To enable this being done, provision will be made in the Municipal Regulation for the election of Presidents by the general body of voters in such areas as may be approved by Government and in accordance with such rules as may be framed from time to time

5 Representations have been made to Government that the term of office of Presidents of Municipal Councils should be coterminous with their term as members of the Councils concerned and not restricted to one year as in the case of Town and Minor Municipal Councils at present Government are pleased to accept this recommendation and suitable action will be taken to amend the Regulation

6 As regards the appointment of Vice-Presidents, it has been suggested that there is no need for a Vice President when a non-official President is selected for a Municipal Council The existing provisions in the Regulation meet the requirements of all such cases satisfactorily as the appointment of Vice-Presidents to Municipal Councils is discretionary with the Government under Section 23 of the Municipal Regulation Ordinarily, when the President is a non official there will be no need for

a Vice President, but should circumstances arise necessitating or justifying the appointment of a Vice President, he shall be elected by the Municipal Council from among its members

7 As regards the appointment of Chief Officers, Government consider that it is desirable that such officers should be entertained by Municipal Councils where the work necessitates or justifies such appointments

8 *Finance and Taxation* —The taxes, tolls and fees which may ordinarily be levied by Municipal Councils are enumerated in Section 59 of the Municipal Regulation. The range of taxation is wide enough and full advantage has not been taken of the available provisions for developing the resources of Municipalities in the State Octroi forms an important source of revenue in most of the Municipalities and sufficient attention has not been paid to the development of Municipal revenue by improvements in the levy of direct taxes such as taxes on animals and vehicles general sanitary cess, lighting tax and water rate As regards the levy of profession taxes in lieu of shop tax, Government in their Order No 4050 60—Ml 98 19-1, dated 22nd September 1919, pointed out that the levy of tax on shops was not legal and that it should be replaced by a tax on professions and trades, in regard to which the schedule of taxes had been amended under the Regulation of 1918, so as to reduce the taxable minimum to an income of Rs 30 a month With reference to this order, representations have been received from several Municipal Councils that the substitution of profession tax for shop tax would materially reduce the revenues of Municipalities The Local Self Government Conference also recommend that the levy of shop tax should be legalised and that all Municipal Councils should have the option of levying the same in lieu of profession tax as shop tax in smaller Municipalities has a decided advantage over profession tax, for under the latter system only persons whose income is Rs 30 a month or more are liable to taxation while shop tax is leviable from all shop keepers irrespective of their income In consideration of these circumstances and in view of the fact that shop tax continues to be levied by many Municipal Councils even now, Government think that it is desirable to legalise the levy of the tax and they are pleased to direct that provision be made in the Regulation for the levy of the shop tax in lieu of a tax on professions, trades and callings at the option of the Municipal Councils The taxation rules of Minor Municipal Councils in this respect will also be suitably amended

9 In order to improve the income of Municipal Councils, the Conference recommend the levy of taxes on arms, hides, goats and pigs The question of the levy of a tax of one anna per head of goat and sheep was brought up in the form of a resolution at the last meeting of the Representative Assembly and the House was not in favour of such taxation Government agree that it is not desirable to add to the list of taxes in the manner proposed and desire to point out that there is sufficient provision in the Regulation to regulate the stalling of goats and sheep within Municipal limits and to prevent the straying of animals In the case of pigs also the Municipal Regulation provides against the keeping of such animals which might become a nuisance (*vide* Sections 48 and 137) No action is, therefore, called for in this direction

10 The proposal to levy surcharge duties is under the consideration of Government and separate orders will be passed on the subject The levy of tolls is another source of revenue which the Municipal Councils wish to readily avail of in order to augment their income The conference have recommended that the system of establishing toll gates at the entrance to Municipalities on District Fund Roads should be deprecated and that Municipal toll revenue, whenever levied, should be apportioned between Municipal Councils and District Boards The question of apportionment of toll revenue between District Boards and Municipal Councils raised by the Conference is separately under consideration and orders thereon will issue in due course

11 *Control and Inspection* —The existing Regulation provides adequately for control and interference under certain special circumstances There is, however, no provision in the Regulation for exercising control and supervision over the routine Administration of Municipalities other than that relating to audit of accounts The

Local Self-Government Conference have in their Resolution No XIX proposed that the Deputy Commissioner should have power (1) to inspect the offices of Municipal Councils, (2) to call for records in cases either of his own motion or on application of an aggrieved party and if satisfied that the order or proceedings of the Council or its executive is wrong or contrary to law, to submit the records of the case with his opinion to Government for such orders as they deem fit to pass Government accept the resolution of the Conference with this modification that the Deputy Commissioner will exercise such powers only in respect of Town and Minor Municipal Councils Steps will be taken to amend the Municipal Regulation accordingly

12 The question of the transfer of Municipal employees after they have put in a definite period of service in any one place was urged for consideration at the last session of the Representative Assembly and although the question was a complicated one, the House considering the advantages to be gained by such transfers agreed that to give effect to the scheme it is necessary to entertain in Municipal offices only lent officers from Government service, and to this extent they were prepared to curtail the powers of patronage exercised by Presidents of Local Bodies The recommendation of the House will be accepted and detailed rules will be issued for the guidance of Municipal Councils to give effect to the scheme

13 *Miscellaneous* —A Committee was appointed to revise the Municipal Account Manual Orders have been passed on the recommendations of the Committee, the principal changes introduced being the enlargement of the powers of Municipal Councils in regard to the sanction of estimates for public works and variation in the scale of establishment The Representative Assembly was also consulted in regard to the other recommendations of the Committee of an administrative character and Government agree with the House that the question of appointment of Inspectors of Municipalities and grant of House Building Advances to Municipal employees from Municipal funds be dropped for the present and direct that provision be made in the Municipal Regulation for the following matters —

(*a*) Execution of warrants of one Municipality in another for recovery of taxes
(*b*) Composition of Municipal Offences
(*c*) Grant of loans to encourage local arts and industries
(*d*) Municipal Councils to levy taxes on Government buildings which are used for residential purposes and which require Municipal services

14 Most of these changes involve legislation and these along with other amendments pending consideration will be placed before the Legislative Council as early as practicable

B Nagappa,
Secretary to Government
Local and Legislative Department.

To—The Municipal Commissioner, City Municipal Council, Bangalore, through the President, City Municipal Council, Bangalore
The President, City Municipal Council, Mysore
The Deputy Commissioners of Districts
The Comptroller to Government
The Inspector General of Education in Mysore
The Excise Commissioner in Mysore
The Sanitary Commissioner in Mysore
The Special Officer, Local Self Government
The Gazette
PRESS TABLE

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